

1 ENVIRONMENTAL PROTECTION AGENCY
 2 SUPERFUND SITE
 3

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 5
 6 IN THE MATTER OF:
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8 JOHNНИE WILLIAMS,
 9 AMERICAN DRUM & INC.
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19 THE DEPOSITION OF JOHNНИE WILLIAMS
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21 AUGUST 24, 2010
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1 The deposition of JOHNНИE
 2 WILLIAMS, taken on behalf of the Environment
 3 Protection Agency, pursuant to Subpoena, on
 4 August 24, 2010, beginning at approximately
 5 9:10 a.m. in the law offices of Parrish &
 6 Shaw, 775 Ridge Lake Boulevard, Suit 145,
 7 Memphis, TN.

8 This deposition is taken in
 9 accordance with the terms and provisions of
 10 the Federal Rules of Civil Procedure.

11 The signature of the witness is
 12 not waived.

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 18 MR. STEVE SPURLIN
 19 MS. BRENITA RICHARDSON
 20 Reported by:
 21 MS. MONNA J. MCCORMICK, RPR, CLR, CRR
 22
 23
 24

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JOHNNIE WILLIAMS,
having been first duly sworn, was examined
and testified as follows:

MR. HARBIN: This will be the deposition of Mr. Johnnie Williams. EPA is taking this deposition pursuant to the authority of Section 122(e)(3) of the Comprehensive Environmental Response Compensation and Liability Act, commonly known as Superfund or CERCLA, C-E-R-C-L-A.

Again, the statute cite is 42 U.S. Code Section 9622(e)(3). Mr. Williams was duly subpoenaed to appear here and testify. The subpoena was issued by EPA pursuant to its authority under CERCLA.

The purpose of this deposition is to obtain information from Mr. Williams as related to the American Drum & Pallet Company Superfund site located in Memphis, Tennessee.

My name is David Harbin. I'm an attorney with the United States Environmental Protection Agency, Region 4, in Atlanta, Georgia. With me today is Brenita Richardson. Brenita is the enforcement

project manager for American Drum & Pallet Company, Superfund site. Brenita is also with the U.S. EPA, Region 4.

Also with me is Steve Spurlin who is the on-scene coordinator with EPA Region 4. Brenita, Steve and I will be asking Mr. Williams questions this morning.

Mr. Williams, the reason we requested your presence here today is because we believe that you have information and knowledge pertaining to the American Drum & Pallet Company Superfund site in Memphis, Tennessee, the operations at that site and about companies and individuals who are involved with that site, including customers and clients of the American Drum & Pallet site.

This deposition is being conducted solely under our civil authority to investigate and clean up contaminated sites. And I would like to note for the record that you are here present with your counsel, Mr. Larry Parrish, and I understand that Mr. Parrish may be here the whole deposition

Exhibit D

1 or may step out from time to time.

2 MR. PARRISH: I might step out
3 from time to time or I might be here for the
4 full deposition. I will reserve the right to
5 do either, but probably will be here for the
6 whole -- I would like to make a statement
7 before questions are asked of Mr. Williams.

8 MR. HARBIN: Very good. And,
9 Mr. Parrish, if you do step out from time to
10 time, you and your client consent to us
11 proceeding with the deposition and asking
12 Mr. Williams questions?

13 MR. PARRISH: At the time I step
14 out, we will clarify that. There may be
15 occasions when I need to step out and I'd ask
16 you to give me an opportunity to come back
17 for a few minutes.

18 MR. HARBIN: Absolutely.

19 MR. PARRISH: But we'll clarify
20 that on the record each time I step out, if I
21 step out.

22 MR. HARBIN: Absolutely.

23 EXAMINATION

24 BY MR. HARBIN:

1 Q. Mr. Williams, during the deposition,
2 if any of my questions are unclear,
3 confusing, don't hesitate to stop me, ask for
4 clarification. I'll be happy to clarify or
5 you can consult with Mr. Parrish, your
6 attorney. Don't hesitate to do that.

7 If you need to take a break at any
8 time, if you want to speak off the record,
9 that is not with the court reporter, just let
10 me know and we will go off the record.

11 You will be entitled to see and
12 review the deposition transcript before -- a
13 couple of weeks after the court reporter has
14 transcribed this deposition. The only
15 corrections you will be able to make will be
16 limited to typographical errors or
17 misunderstandings.

18 If you realize that you remembered
19 something differently than when you were
20 sitting here today, that does not qualify as
21 a correction. Please call me, tell me, but
22 we can't change today's testimony otherwise.

23 Now, do you have any questions before
24 we begin the questioning phase of the

11

12

1 deposition, Mr. Williams?

2 A. No questions.

3 MR. PARRISH: I would say for
4 Mr. Williams, we do reserve the right to read
5 and sign and to execute an errata sheet.

6 MR. HARBIN: Absolutely.

7 Absolutely.

8 And for the record, we were supposed
9 to review records yesterday here in
10 Mr. Parrish's office. We were unable to do
11 that. And to review the records, we went out
12 to the American Drum & Pallet Company site.

13 We did spend the day out there
14 reviewing the records of the company.

15 Mr. Williams was there. We had the consent
16 of Mr. Parrish to be out at that site without
17 Mr. Parrish's presence and wanted to make it
18 clear that we were out there under our civil
19 investigation authority.

20 Mr. Parrish, would you like to make a
21 statement? And -- I'm sorry. And we did
22 make a tape-recording of Mr. Parrish talking
23 to Mr. Williams, getting Mr. Williams'
24 consent to review those records at American

1 Drum & Pallet Company site without
2 Mr. Parrish yesterday.

3 MR. PARRISH: And I will affirm
4 that that's a true statement. We are
5 transcribing the tape-recording, and I've
6 informed Mr. Harbin that we will provide him
7 a transcription of that tape-recording and
8 that tape-recording will accurately reflect
9 our conversation with Mr. Williams.

10 Mr. Harbin assured me yesterday that
11 there is a Chinese wall between the civil
12 division and the criminal division and that
13 this is a civil matter only.

14 And Mr. Williams, though he was
15 subpoenaed, as you said earlier, we agreed to
16 come without a subpoena. He's not here under
17 compulsion of a subpoena.

18 The subpoena was served, but we
19 agreed to come before then and would have
20 been here with or without the subpoena, and
21 Mr. Williams is here to cooperate. There is
22 nothing that he intends to withhold.

23 And I think, as I spoke with him this
24 morning, he affirmed to me that he did that

Exhibit D

1 yesterday at his site; he told you-all to
 2 look and see whatever you wanted to see and
 3 that he was as helpful as he could be to you,
 4 and he will continue to do that.

5 And that will be true if you need to
 6 follow up after today, we're available. And
 7 I will probably stay here for the deposition,
 8 and if not, Mr. Williams has given me consent
 9 after full advice this morning. And,
 10 Mr. Williams, I do have your permission to
 11 leave.

12 THE WITNESS: Oh, yeah.

13 MR. PARRISH: And you will
 14 continue to answer questions whether I'm here
 15 or not, if I choose to leave?

16 THE WITNESS: Yeah.

17 MR. PARRISH: All right. Thank
 18 you.

19 MR. HARBIN: Thank you,
 20 Mr. Parrish.

21 BY MR. HARBIN:

22 Q. Would you please state your name?

23 A. Johnnie J. Williams.

24 Q. And your home address, Mr. Williams?

1 A. 1863 South Wellington.

2 Q. And your telephone number?

3 A. Work number or home number?

4 Q. Both, as a matter of fact.

5 A. Work number, 948-1576. Home number,
 6 774-4456. Both area code 901.

7 Q. And would you state your educational
 8 background, Mr. Williams?

9 A. High school and a year of Coahoma
 10 Junior College.

11 Q. And where did you go to junior
 12 college?

13 A. Clarksdale, Mississippi.

14 Q. Who is your present employer?

15 A. American Drum & Pallet. That's what
 16 you talking about?

17 Q. Yes, sir. Are you self-employed?

18 A. I'm self-employed, yeah.

19 Q. You're self-employed?

20 A. Uh-huh.

21 Q. And do you have -- under your
 22 self-employment, is that under your name,
 23 Johnnie Williams?

24 A. Well, American Drum and Inc.

15

16

1 Q. So you're employed by American Drum
 2 and Inc.?

3 A. Uh-huh.

4 Q. And you're also self-employed?

5 A. Uh-huh.

6 Q. What is your current title with
 7 American Drum and Inc.?

8 A. Vice president and sales manager.

9 Q. And do you have a title under your
 10 self-employment?

11 A. That's it.

12 Q. So we're combining the two,
 13 self-employment and American Drum & Pallet,
 14 Inc.?

15 A. Uh-huh.

16 Q. We'll just -- for the sake of this
 17 deposition, we'll just call it American
 18 Drum & Pallet, Inc.

19 A. Okay.

20 Q. What is your responsibilities with
 21 American Drum & Pallet, Inc.?

22 A. Mostly out selling, out selling.

23 Q. And what do you sell?

24 A. Drum, pallet.

1 Q. Are they new, are they used, are they
 2 reconditioned?

3 A. Reconditioned.

4 Q. Reconditioned? How long have you
 5 been employed with American Drum & Pallet,
 6 Inc.?

7 A. Ever since 2'03.

8 Q. Has your title always been the same,
 9 vice president and sales?

10 A. As far as I know.

11 Q. Since 2003?

12 A. Uh-huh.

13 Q. And have your responsibilities always
 14 been the same since 2003?

15 A. Yes.

16 Q. Mr. Williams, we're talking about two
 17 separate companies. I understand that there
 18 is a company American Drum & Pallet Company,
 19 Inc. -- American Drum & Pallet Company, Inc.?

20 A. That's the same.

21 Q. As American Drum & Pallet, Inc.?

22 A. Uh-huh.

23 Q. One was incorporated in Tennessee,
 24 American Drum & Pallet Company, Inc.

Exhibit D

1 A. Uh-huh.
 2 Q. That was incorporated in Tennessee,
 3 correct?
 4 A. Well, as far as I know. I didn't do
 5 the paperwork. Somebody else did the
 6 paperwork. As far as I know, it was. I
 7 think incorporated in Tennessee. It probably
 8 then went to -- what other place, some other
 9 place out of town. Delaware, I believe. I'm
 10 not for sure.
 11 Q. And that was American Drum & Pallet,
 12 Inc. --
 13 A. Uh-huh.
 14 Q. -- was incorporated in Delaware?
 15 A. In Delaware, uh-huh.
 16 Q. And so we have American Drum & Pallet
 17 Company, Inc. that was incorporated in
 18 Tennessee?
 19 A. Uh-huh.
 20 Q. And then we have American Drum &
 21 Pallet, Inc. that was incorporated in
 22 Delaware?
 23 A. Yeah. I think American Drum, Inc.
 24 probably then went to Delaware. I had an attorney, Paul Springer, did it. And he was
 1 the -- so, yeah.
 2 Q. Under both of those companies, were
 3 your -- was your title the same?
 4 A. Yeah. As far as I know, uh-huh.
 5 Q. And were your responsibilities the
 6 same?
 7 A. The same.
 8 Q. As you identified previously?
 9 A. Right, uh-huh.
 10 Q. Let's talk about American Drum &
 11 Pallet Company, Inc., the Tennessee
 12 corporation, the first corporation.
 13 A. Okay.
 14 Q. Who were the corporate officers of
 15 that company?
 16 A. Me, my son and my daughter.
 17 Q. And who are they? Who is your son?
 18 A. Michael Williams and Angela Williams.
 19 Q. And Michael Williams -- you -- what
 20 was your role? What was your title as
 21 corporate officer?
 22 A. Sales and vice president.
 23 Q. And who -- what was Mr. Williams'
 24

19

20

1 title?
 2 A. My son's title was --
 3 Q. Michael Williams.
 4 A. Michael Williams' title was driving a
 5 truck and worked in the plant.
 6 Q. Under corporate -- the normal
 7 corporate structure is president, vice
 8 president and treasurer.
 9 A. Uh-huh.
 10 Q. Do you remember who was the president
 11 of American Drum & Pallet Company, Inc.?
 12 A. Michael Williams was.
 13 Q. And Angela Williams?
 14 A. She was a whole officer, officer,
 15 like secretary.
 16 Q. Was she the treasurer?
 17 A. No. Michael was the treasurer and I
 18 was the treasurer -- assistant treasurer.
 19 Q. Who were the shareholders of American
 20 Drum & Pallet Company, Inc.?
 21 A. I have to look at the papers. Now,
 22 Gray come in, did the paperwork, G. Gray. He
 23 did most of our paperwork.
 24 Q. What was his name again?
 1 A. G. Gray. I think you met him
 2 yesterday.
 3 Q. G. Gray?
 4 A. Uh-huh, Glover Gray.
 5 Q. And Mr. Gray would know the
 6 shareholders of American Drum & Pallet
 7 Company, Inc.?
 8 A. Yeah, uh-huh.
 9 MR. PARRISH: For the record, if
 10 you don't understand, it might be better just
 11 to interrupt and get -- I don't understand a
 12 lot of what he says myself, and so don't
 13 hesitate, it's your deposition.
 14 MR. HARBIN: Absolutely.
 15 MR. PARRISH: But I would say
 16 it's better to get that cleared up now than
 17 later.
 18 (An off-the-record discussion
 19 was held.)
 20 BY MR. HARBIN:
 21 Q. And I think I am getting this
 22 correctly, but you were employed also with
 23 American Drum & Pallet, Inc.?
 24 A. Yes, sir.

Exhibit D

1 Q. And when did you first become
2 employed with American Drum & Pallet, Inc.?
3 A. I believe 2'03.
4 Q. And your title and responsibility
5 were --
6 A. Remained the same.
7 Q. -- the same --
8 A. Right.
9 Q. -- as under American Drum & Pallet
10 Company, Inc.?
11 A. Uh-huh.
12 Q. That's correct?
13 A. Yes, sir.
14 Q. Who were the corporate officers of
15 American Drum & Pallet, Inc., the Delaware
16 corporation?
17 A. Michael and Glover Gray and my
18 daughter.
19 Q. And what position did Glover Gray --
20 A. He's the comptroller and did all the
21 paperwork.
22 Q. And, again, the shareholders of
23 American Drum & Pallet, Inc., the Delaware
24 corporation, can you identify them?

1 A. Myself, Michael and my daughter and
2 Glover Gray.
3 Q. Were the shareholders?
4 A. Shareholders, yes.
5 Q. Do you know the interest, the
6 percentage of interest that each of the
7 shareholders held?
8 A. No, sir, I don't.
9 Q. Were you employed with Drums,
10 Incorporated?
11 A. No.
12 Q. Are you familiar with Drums?
13 A. Yes, sir.
14 Q. How are you so familiar with Drums,
15 Incorporated?
16 A. Because my nephew Roebuck had Drums,
17 Incorporated.
18 Q. Say his name again, please.
19 A. George Stanford Roebuck, like Sears
20 Roebuck.
21 Q. Sears Roebuck?
22 A. Uh-huh.
23 Q. Did Drums, Incorporated operate at
24 the 806 Walnut Street facility?

23

24

1 A. I think so. I was gone at the time,
2 but I think they did.
3 Q. Did American Drum & Pallet Company,
4 Inc., the Tennessee corporation, operate a
5 business at 806 Walnut Street in Memphis,
6 Tennessee?
7 A. Yes, sir.
8 Q. Describe that business.
9 A. It was the same as the American Drum
10 and Inc. and it's --
11 (Reporter clarified.)
12 A. It's come together, what happened.
13 The first one we got, we got it -- the
14 charter through Tennessee, then we changed it
15 and got it through Delaware.
16 Q. Yes, sir.
17 A. The same. Uh-huh.
18 Q. Describe the business that was --
19 that American Drum & Pallet Company -- or
20 that American Pallet and -- I'm getting
21 confused -- American Drum & Pallet, Inc.
22 operated at 806 Walnut Street.
23 A. Drum and pallet, the same.
24 Q. What do you mean by drum and pallet?

1 A. That's what we did. We recycled
2 drums and pick up and rebuild pallets.
3 Q. Would you describe the operations?
4 A. Well, we recycle drums and sell them
5 and fix up pallets and sell them.
6 Q. Was it limited to drums? Did it
7 include tanks and other kinds of containers?
8 A. Yeah, uh-huh.
9 Q. Would you --
10 A. Tote tank, T-O-T-E, tote tank. They
11 call it -- a lot of them call it big drum.
12 Q. What kind of containers did you
13 clean?
14 A. Fifty-five-gallon drum.
15 Q. Was it strictly to just 55-gallon
16 drums or were that other containers?
17 A. And tote tank.
18 Q. Were there smaller containers that
19 you cleaned?
20 A. Thirty-gallon drums.
21 Q. Were those metal or plastic?
22 A. Both.
23 Q. Could you identify the dates that
24 American Drum & Pallet, Inc. operated at the

Exhibit D

1 location?
 2 A. No, I can't. I could get it for you.
 3 I can't remember what that is.
 4 Q. What were your hours of operations?
 5 A. From 8:00 to 4:00, 4:30.
 6 Q. How many employees did American
 7 Drum & Pallet, Inc. have?
 8 A. We mostly was season. We did mostly
 9 contract, contract work. But whenever we get
 10 audited, we bring somebody in, sometimes we
 11 work eight hours, sometimes work four hours,
 12 six hours, sometimes work 10 to 12 hours to
 13 get the orders out.
 14 Q. And how many employees would you
 15 have?
 16 A. Say six, seven, something like that.
 17 Q. And you describe that as seasonal --
 18 A. Uh-huh.
 19 Q. -- or when you would get a contract?
 20 A. Right. Get an order, we called it an
 21 order.
 22 Q. Would you describe what you mean by
 23 seasonal?
 24 A. Season meaning, like, this time

1 during the -- anywhere between June, July,
 2 August, September when most farmers and
 3 things -- you know, people weighs stuff like
 4 corn, bean, cotton. That's the season.
 5 Q. Say that again, Mr. Williams. What
 6 do you mean by seasonal?
 7 A. Seasonal mean anywhere from July to
 8 September when agriculture like corn and
 9 beans, cotton, whatever, people -- you know.
 10 Q. And how did that relate to your
 11 container-cleaning business?
 12 A. I don't know. But that's when most
 13 of the people ordered the drums, during the
 14 season. They don't order too much in the
 15 wintertime.
 16 Q. So you operated on a business where
 17 drums were ordered?
 18 A. Uh-huh.
 19 Q. And they would call you?
 20 A. Call you -- call me, yeah.
 21 Q. And order cleaned or reconditioned
 22 drums?
 23 A. Right, uh-huh.
 24 Q. And that happened mostly, as you

27

28

1 described, seasonally --
 2 A. Uh-huh.
 3 Q. -- during June, July and August,
 4 during the agricultural season?
 5 A. Mostly, mostly.
 6 Q. Were there any other seasons?
 7 A. I can't remember. You know, it goes
 8 all the time, but most of the people, when it
 9 beautiful out -- you know.
 10 Q. And you mentioned contracts as well.
 11 What did you mean by contracts?
 12 A. Well, what I mean, when somebody else
 13 get a contract, see, I was -- we just was a
 14 small drum operator. They mostly give a
 15 contract to the other big -- like Memphis
 16 Drum, Tennessee Container, and they only call
 17 us when they couldn't fulfill what they want
 18 and we did.
 19 Q. So who would call you?
 20 A. A company like Farrell Calhoun or
 21 Dixie Chemical or something like that.
 22 Q. Would Memphis Container call you?
 23 A. We dealt with Memphis Container.
 24 They run the big, big outfit. They real big.

1 Q. And what do you mean by we dealt with
 2 them?
 3 A. Well, they may call and say they
 4 short a drum and I had the drum. They would
 5 get them. We do the same thing with them.
 6 Q. And you mentioned another drum
 7 container company.
 8 A. Tennessee Container.
 9 Q. Did you deal with them the same way?
 10 A. Same way.
 11 Q. And they would call you?
 12 A. Uh-huh. And we'd pick up drums from
 13 Greif Brother, but Greif Brother closed down,
 14 though. I'm saying they don't -- came back
 15 in town, bought Memphis Drum out now. They
 16 came back through about a year or two ago,
 17 bought Memphis Drum. They was one of the
 18 biggest in the world.
 19 Q. Now, would they supply you with the
 20 drum or would you supply them with the drum?
 21 A. Well, you know, when you in business,
 22 you swap out. They may have something I need
 23 and I may have something they need.
 24 Q. Would you explain that a little?

Exhibit D

1 further, Mr. Williams?

2 A. Okay. Greif Brother may need 200

3 30-gallon drums. He may not have -- may not

4 have but 150, and he may call me because I

5 have 50 30-gallon, and I tell him yeah.

6 That's how business swaps out here.

7 Q. These container companies, did they

8 ever supply you with drums to be cleaned?

9 A. No.

10 Q. And for American Drum & Pallet

11 Company, Inc., the Tennessee corporation, was

12 the business the same as American Drum &

13 Pallet, Inc.?

14 A. Same.

15 Q. The very same operations?

16 A. Same operation.

17 Q. It operated at the same location?

18 A. Yes, sir.

19 Q. And it operated the same hours --

20 A. Mostly.

21 Q. -- of operation?

22 A. Mostly, yes, sir.

23 Q. Was there a difference in hours that

24 American Drum & Pallet Company, Inc. and American Drum & Pallet, Inc. operated?

1 A. I can't remember.

2 Q. Were the employees the same?

3 A. Yes, sir.

4 Q. And were the number of employees the

5 same?

6 A. Vary. May vary, may use four or five

7 this day and seven, eight the next day, you

8 know, depending on how the order come in.

9 Q. Do you have a list of those

10 employees?

11 A. I could get them for you.

12 Q. Who were your main employees for both

13 companies?

14 A. James Wilkerson.

15 Q. And who is he?

16 A. He's one of the supervisors, did most

17 everything at the plant that needed to be

18 done on the inside.

19 Q. And how long did he work?

20 A. Oh, he's been there a long time.

21 Q. Can you name other employees?

22 A. Leroy Smith.

23 Q. And what was his title?

31

32

1 A. Mostly truck driver.

2 Q. Has he been with you a long time?

3 A. Long time.

4 Q. Mr. Wilkerson and Mr. Smith, about

5 how long have they been with you?

6 A. Well, Wilkerson with me -- I guess we

7 been together about 20 years.

8 Q. About 20 years?

9 A. Uh-huh. Leroy Smith with me about

10 eight.

11 Q. Can you name any other employees

12 that's been with you?

13 A. Yeah. Charles Wilkerson. Got that,

14 Charles Wilkerson? Dorothy Williamson,

15 Dorothy Williamson.

16 Q. And how about Mr. Charles Wilkerson,

17 what does he do?

18 A. He was operating a machine.

19 Q. And Ms. Delores?

20 A. Same, operating machine, load truck

21 and load maintenance, you know, maintenance

22 stuff, yeah.

23 Q. Are there any other employees that

24 have been with you a while?

1 A. You know, I mean, all of them is in

2 and out. Sylvester Wilkerson, Sammy Flake.

3 Q. What did those two gentlemen do?

4 A. Same. Manual work, mostly manual,

5 you know.

6 Q. Do you know the current address and

7 telephone number or at least the current

8 address of these employees?

9 A. I could get it.

10 Q. Are you familiar with American

11 Plastic Regrind Company?

12 A. No.

13 Q. Were you affiliated or connected in

14 any way with any other businesses that was

15 located at 806 Walnut Street?

16 A. No. I don't remember, no.

17 Q. So the only two companies that you

18 were affiliated with at 806 Walnut Street is

19 American Drum & Pallet Company, Inc. --

20 A. Uh-huh.

21 Q. -- and American Drum & Pallet, Inc.?

22 A. Uh-huh.

23 Q. Were you at the 806 Walnut Street

24 facility on a day-to-day basis?

Exhibit D

1 A. Mostly.
 2 Q. And describe that. What do you mean,
 3 mostly?
 4 A. Well, I come in in the morning,
 5 mostly. Then I hit highway --
 6 (Reporter clarified.)
 7 A. I go out in the street, try to sell
 8 drums.
 9 Q. We've gone over this, Mr. Williams,
 10 but I want to go over this one more time.
 11 Who is Michael Williams?
 12 A. My son.
 13 Q. And what was his involvement with the
 14 two companies?
 15 A. He was the president.
 16 Q. He was involved with Drums,
 17 Incorporated?
 18 A. He may have been because I was gone
 19 when Drums, Incorporated was going.
 20 Q. To your knowledge, was he involved
 21 with any other companies that operated at 806
 22 Walnut Street?
 23 A. To my knowledge, he had a T-shirt
 24 company there. He did T-shirts. And that's

1 the only one I know.
 2 Q. Is he currently involved?
 3 A. No. No, he is not there.
 4 Q. When did his involvement cease?
 5 A. About 2'05, 2'06.
 6 Q. 2005, 2006?
 7 A. Uh-huh.
 8 Q. Is there a reason why his involvement
 9 ceased?
 10 A. No. He HAZ/MAT at FedEx.
 11 (Reporter clarified.)
 12 A. He's HAZ/MAT. He works at FedEx. He
 13 HAZ/MAT out there now, another job.
 14 Q. Say that again, Mr. Williams.
 15 A. He does HAZ/MAT work at FedEx.
 16 MR. PARRISH: Hazardous?
 17 THE WITNESS: No. HAZ/MAT. He
 18 HAZ/MAT.
 19 BY MR. HARBIN:
 20 Q. HAZ/MAT work at FedEx?
 21 A. Uh-huh. He's a military guy.
 22 Q. What part of the military was he
 23 involved or is he involved with?
 24 A. Army.

1 Q. What's his rank?
 2 A. I don't -- he out now. He was there
 3 eight year.
 4 Q. But he's no longer with the Army?
 5 A. No, uh-uh. He retired -- or he
 6 didn't retire, but, you know, resigned,
 7 whatever.
 8 Q. Who is Angela Williams?
 9 A. My daughter.
 10 Q. And her involvement with the two
 11 companies?
 12 A. Yeah, she was a secretary.
 13 Q. Was she involved with Drums,
 14 Incorporated?
 15 A. As far I know, I don't know.
 16 Q. Was she involved with any other
 17 companies that operated at 806 Walnut Street?
 18 A. I don't think so.
 19 Q. Is she still involved with American
 20 Drum?
 21 A. No. No.
 22 Q. When did her involvement cease?
 23 A. Same time my son, about 2'05, 2'06.
 24 She was in -- she work at Internal Revenue

1 now. She got a good job with them.
 2 (Reporter clarified.)
 3 A. She with Internal Revenue, IRS. She
 4 got a good job with them.
 5 Q. We've been talking about two
 6 companies, Mr. Williams, American Drum &
 7 Pallet Company, Inc. --
 8 A. Uh-huh.
 9 Q. -- and American Drum & Pallet, Inc.
 10 A. Uh-huh.
 11 Q. From this point on, when I say
 12 American Drum & Pallet, I'll be speaking of
 13 both American Drum & Pallet Company, Inc. and
 14 American Drum & Pallet, Inc.; do you
 15 understand? Is that okay?
 16 A. Yes, sir. Yes.
 17 Q. And also the phrase 806 Walnut Street
 18 includes 0 Heiskell Place. I understand that
 19 806 -- there's two parcels to the American
 20 Drum & Pallet facility. One is 806 Walnut
 21 Street and one is 0 Heiskell Place; is that
 22 correct?
 23 A. Yes, sir. That's what it say on tax
 24 title, yes, sir.

Exhibit D

1 Q. So when I talk about 806 Walnut
 2 Street, I also mean to include the O Heiskell
 3 Place parcel as well.

4 A. Yes, sir.

5 Q. Do you understand?

6 A. Yes, sir.

7 Q. We've gone over this. But, again,
 8 please list the scope of services provided by
 9 the American Drum Company at 806 Walnut
 10 Street facility.

11 A. Recycle drum and recycle pallets.

12 Q. Are they wood pallets?

13 A. Yes, sir. And plastic, wood and
 14 plastic.

15 Q. Are they a standard size?

16 A. Different size.

17 Q. What is the -- your range of service
 18 for the American Drum at the 806 facility?

19 How far out did your operation go?

20 A. We sell them to mostly Mississippi,
 21 Tennessee, Arkansas. That's most of the
 22 range.

23 Q. Did you have any beyond Mississippi,
 24 Arkansas and Tennessee?

1 A. We had some companies that would come
 2 in, even from Atlanta, Georgia, some
 3 environment people come in and buy drums, you
 4 know, need drums. They may come in from Ohio
 5 and need 10, 15 drums.

6 Q. You said you reconditioned drums and
 7 pallets. Mr. Williams, I'd like for you to
 8 take me from start to finish, if you would,
 9 on the cleaning process of a drum that was
 10 used by American Drum at the 806 Walnut
 11 Street facility.

12 A. Okay.

13 Q. And that is loading in, cleaning,
 14 drying, drum removal, can you take me from
 15 start to finish?

16 A. Yes, sir. Okay. We pick up drums
 17 and a lot of times people drop drums off,
 18 like drum hustler. People like hustle pallet
 19 and paper and so on, you've got drum hustler,
 20 too.

21 Q. Did you say drum hustler?

22 A. Yeah. They pick up drum, they bring
 23 them there and my guys unload them. And what
 24 we do, we clean them, we have the facility

1 there approved by the state and the city.

2 Q. Hold on just a second, Mr. Williams.
 3 Could you identify the drum who you would
 4 say -- drum hustler, who were those?

5 A. Like Mike, usually call them by first
 6 name. Mike, Jack, Jack Steper, Mike. And
 7 there are several other people. They would
 8 bring a drum in that I could sell, a pallet,
 9 sold the drum to me, sold the Memphis Drum to
 10 Tennessee Container, sold them to any drum
 11 company.

12 Q. Can you get their address and their
 13 telephone numbers?

14 A. Yes, I think I can.

15 Q. And that was Mike and Jack?

16 A. Uh-huh.

17 Q. Do you remember any others?

18 A. Not precisely because Jack and Mike
 19 was the drum hustlers, but you had different
 20 occasion people bring drum by and they'll
 21 sell them, you know.

22 Q. Continue on. We were at bringing the
 23 drums in.

24 A. Okay. Yeah, bring them in. We stack

1 them up, and then what we do, we clean them.
 2 After we clean them --

3 Q. Did you have an acceptance program
 4 for the drums? How did you accept a drum?

5 A. Well, what we do, we just have to
 6 make sure that nothing is in them, that they
 7 are clean, the weight, that they had to be
 8 clean when they come in.

9 Q. And what do you mean by clean?

10 A. Well, they can't have no -- what you
 11 call that -- nothing in them, you know. It
 12 has to be a clean drum.

13 Q. And who was responsible for accepting
 14 the drums?

15 A. James Wilkerson.

16 Q. Would they contain a residue in them?

17 A. No. They shouldn't have. I don't
 18 ever watch all of them.

19 Q. Were they inspected for salvage, for
 20 resale, for damage?

21 A. I'm sure they were, yes, sir. I'm
 22 sure they were.

23 Q. And who was responsible for that?

24 A. James Wilkerson.

Exhibit D

1 Q. Do you know where these drums came
2 from?

3 A. Some of them we did, some of them we
4 didn't.

5 Q. And who brought the ones that you
6 didn't know where they came from?

7 A. Mostly hustlers.

8 Q. And that was who you turned -- you
9 say Mike?

10 A. And Jack, uh-huh.

11 Q. And you will be able to get me their
12 names and addresses?

13 A. Yes, sir.

14 Q. And telephone numbers?

15 A. Uh-huh.

16 Q. Let's continue on, Mr. Williams.

17 We're in the cleaning process now.

18 A. Okay. Then when we clean the drum,
19 what we'll do, we sand the label off --

20 (Reporter clarified.)

21 A. We sand the label off them, whatever,
22 the label on them, clean them, rough them
23 down so we can paint them. And once we paint
24 them, we send them out. Whenever we got an

1 order, we send them out. And, see, we were
2 so small, we only did something like -- if we
3 did 50 drums a day, we were good.

4 We wasn't nothing like Geo Cooper,
5 because, you know, Geo Cooper went out of
6 business. They were the largest, along with
7 Memphis Drum. They did something like 2 or 3
8 thousand drums a day. We small. We did
9 mostly manual.

10 We didn't even have a forklift. We
11 lift, we manual. We wasn't the jewel of the
12 drum company. We work. You know, we work.
13 We wasn't like the big people, you know.

14 Q. And about how often did you do 50
15 drums a day?

16 A. Maybe a couple times a week.

17 Q. And that was throughout the year?

18 A. Yes, sir.

19 Q. What cleaning agents or what cleaning
20 materials did you use to clean the drums?

21 A. We use a soap that we got from Jack
22 Flint. They make the detergent, soap, and we
23 used that.

24 Q. And describe the cleaning process.

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1 A. The process was we had a machine
2 that -- what we do, put the drum up there and
3 had to pressure wash, clean them out. Then
4 we had a -- approved by the City of Memphis
5 and the state, a permit, cleaning permit, a
6 sewer permit. We're approved by the state
7 and the city on how we wash the drum.

8 Q. And the only material that you used
9 was a detergent?

10 A. Yes, cleaning solution that we got
11 from Jack Flint.

12 MR. SPURLIN: Mr. Williams, when
13 we were on-site and also in my discussions
14 with the city representative from the fire
15 department, you had a container of gasoline,
16 I believe, inside your facility.

17 And I think -- did you use that? I
18 think you had some rags, and you used maybe
19 the gasoline and rags in assisting in your
20 cleaning process.

21 THE WITNESS: Not cleaning --
22 yeah. I'm sorry, wiping the drum down. See,
23 before you paint the drum, you have to wipe
24 all the exterior off and make sure they were

1 clean. Yeah, you wipe the drum down.

2 MR. SPURLIN: Prep the drum?

3 THE WITNESS: Uh-huh.

4 MR. SPURLIN: Okay. Thank you.

5 BY MR. HARBIN:

6 Q. And the drums were dried?

7 A. Uh-huh.

8 Q. Explain how you went through the
9 drying process. Where was the drying
10 process? What was the drying process?

11 A. Okay. Once you wash the drum -- we
12 had a soak tank. We soak the drum out dry.
13 And then what we do, we had a rag and
14 gasoline, will clean all the grit and stuff
15 off the drum so the paint would take. We had
16 a rag, wipe them off, the drum off.

17 Q. And did you say you had a tank that
18 you dipped the drum in to rinse it off?

19 A. No. We had a machine. We put them
20 on the top of a tank. We had a five-drum --
21 put up there for the pressure washer to wash
22 them out. Then they go in the receptor tank.

23 Q. And what was the receptor tank?

24 A. The same as I told you, the city

Exhibit D

1 approved -- what you call it -- receptor
 2 tank, what you wash the drum go down in -- it
 3 was approved by the city. I can't explain
 4 that.

5 Q. Did it contain any materials,
 6 cleaning agents, anything like that? What
 7 did it contain?

8 A. Just the water and then the soap that
 9 we used to wash the drum out with.

10 Q. What happened to the water in the
 11 receptor tank?

12 A. Go to a filtration system and go back
 13 in it, in the sewer.

14 Q. And what happened to the water that
 15 you used for the cleaning process?

16 A. That's what I say, go to filtration
 17 system and go back in the sewer. It was
 18 approved by the city and the state.

19 Q. So the cleaning process and the
 20 receptor, they were all connected together --

21 A. Uh-huh.

22 Q. -- to the filtration?

23 A. To the filtration, yes, sir.

24 Q. Was there anything else connected to

1 the filtration system?

2 A. No. No.

3 Q. And now we're at the drying process.

4 A. Uh-huh.

5 Q. How did you dry the drum?

6 A. Well, I will soak them out in a soak
 7 tank.

8 Q. Say that again, Mr. Williams.

9 A. We had a soak tank where, you know,
 10 like water be on your floor and you get a wet
 11 mop, soak the water up? We had a soak tank
 12 that sucks the water out the drum.

13 MS. RICHARDSON: Vacuum?

14 THE WITNESS: Yeah, vacuum. Wet
 15 vac, whatever you call it.

16 BY MR. HARBIN:

17 Q. A vacuum?

18 A. Yeah, a wet vac.

19 MR. PARRISH: Are you saying
 20 suck the water?

21 THE WITNESS: Suck the water.

22 BY MR. HARBIN:

23 Q. And where did that water go?

24 A. We had a big -- what you call -- suck

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1 the water out. Then when it get full, we run
 2 it down to the filtration system, same way
 3 where the other water goes to.

4 Q. So it went to the filtration system
 5 as well?

6 A. Yes, sir.

7 Q. And then the containers were painted?

8 A. Uh-huh.

9 Q. Was there anything in between drying
 10 and painting?

11 A. No more than wipe them off, you know,
 12 with a rag and gas.

13 Q. And that's what Mr. Spurlin was
 14 talking about?

15 A. Yes. Uh-huh.

16 Q. Was there any other materials other
 17 than gasoline used to wipe the drums off?

18 A. No. It's mostly gas.

19 Q. Mostly gas?

20 A. Yes, sir.

21 Q. Did you use anything else?

22 A. I can't remember nothing else we use.
 23 That's the only thing we dry -- dry them.

24 Q. And then the drums were painted?

1 A. Uh-huh.

2 Q. And can you explain the painting
 3 process?

4 A. Yeah. We had a paint room, you know,
 5 to paint them in. And when they paint them,
 6 they set them there to get dry. And we
 7 didn't do -- like I said, we didn't too much
 8 paint. We did mostly plastic. As you see
 9 the picture, plastic, all you do is clean
 10 them, wipe them off and that's it.

11 Q. And you said you did about maybe 50
 12 to a hundred a day?

13 A. Uh-huh. 50.

14 Q. 50 a day. I don't want to put words
 15 in your mouth. 50 a day?

16 A. Uh-huh.

17 Q. Were those drums and containers or
 18 containers or which -- help me understand how
 19 many drums versus how many containers you did
 20 a day.

21 A. Containers, you mean the tote tank?
 22 I need you to be very -- because you got
 23 drum, then you got -- a lot of people call
 24 them tote tank, big drum. Tote tank is

Exhibit D

1 250-gallon tote tank in the wire -- drum is
2 55-gallon or 30-gallon drum that's steel or
3 plastic.

4 Q. Help me understand that -- when we
5 speak of drums, we're talking about --

6 A. Fifty-five-gallon, 30-gallon drums.

7 Q. And they could either be plastic --

8 A. Or steel.

9 Q. -- or steel?

10 A. Yes, sir. Or cardboard.

11 Q. Or cardboard?

12 A. Uh-huh.

13 Q. Did you clean the cardboard?

14 A. No.

15 Q. But you did clean --

16 A. Plastic and steel.

17 Q. And steel?

18 A. Yeah.

19 Q. And you cleaned the tote tank?

20 A. Tote tank. They plastic and in a
21 wire cage.

22 Q. And --

23 MR. PARRISH: Wire?

24 THE WITNESS: Wire cage. You

1 see them on -- people haul them down the
2 street with washing cars and trucks and wire
3 cages. That's called a tote tank.

4 MR. SPURLIN: Tote tanks are
5 made out of plastic and they don't, in
6 themselves, have a lot of structural support,
7 so you put them in a reinforced wire cage
8 that will sit on a pallet, and it holds the
9 poly tank securely when it has liquids in it.

10 BY MR. HARBIN:

11 Q. Okay. Now, how -- and you cleaned
12 the tote tanks as well?

13 A. Oh, yeah.

14 Q. About how many tote --

15 MR. PARRISH: Can I interrupt?
16 You heard Mr. Spurlin. Did he accurately --
17 THE WITNESS: He accurately --
18 yes.

19 MR. PARRISH: Okay. Excuse me.

20 THE WITNESS: He was there. He
21 knew what it...
22 BY MR. HARBIN:

23 Q. About how many tote tanks did you
24 clean?

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1 A. If we do 10 or 15 a day, two to three
2 days a week, we're good.

3 Q. And that was every week through the
4 year?

5 A. Not every week. Some weeks.

6 Q. And about how many weeks per year
7 would you say?

8 A. I would say something like about 40,
9 45 weeks of the year.

10 Q. And the tote tank was cleaned under
11 the same method?

12 A. Same method, uh-huh.

13 Q. I want to go over this one more time,
14 Mr. Williams. Let's describe the items, the
15 drums, the tanks, that American Drum cleaned
16 at the 806 Walnut Street facility. Let's
17 describe the drums one more time.

18 A. Okay. 55-gallon steel drum,
19 30-gallon steel drum, 55-gallon plastic drum,
20 30-gallon plastic drum and 250-gallon tote
21 tank.

22 Q. And the steel drum and plastic drum,
23 did they have a top to them?

24 A. Open head drum. Tight head, you got

1 a bung -- two-inch bung, two-inch bung.

2 (Reporter clarified.)

3 A. Uh-huh. B-U-N-G, bung. Screw-in.

4 MR. SPURLIN: I think what he's
5 saying is a bung, a B-U-N-G.

6 THE WITNESS: Yeah.

7 MR. SPURLIN: It's the cap.

8 THE WITNESS: Uh-huh. You screw
9 it in.

10 MR. SPURLIN: You screw in a cap
11 to the top of the drum. A bung cap, they
12 call it; is that correct?

13 THE WITNESS: Uh-huh.

14 MR. SPURLIN: And he's referring
15 to what can also be termed closed-top and
16 open-topped drums. A closed top means that
17 the drum is fixed to the body of the drum and
18 does not -- and the only part that comes off
19 for either taking out or putting in materials
20 is the bung cap.

21 And an open top is where you can take
22 the whole lid off the drum and they are used
23 to store different types of materials.

24 THE WITNESS: Right.
Exhibit D

1 BY MR. HARBIN:

2 Q. Is that correct, Mr. Williams?

3 A. Yeah.

4 Q. Is that accurate?

5 A. Thank you. That's accurate, yeah.

6 (A recess was taken.)

7 BY MR. HARBIN:

8 Q. Mr. Williams, you took me through the
9 cleaning process and the painting process.

10 A. Uh-huh.

11 Q. Did you also grind drums?

12 A. Yeah.

13 Q. Containers?

14 A. But we crush them. We sold them to a
15 grind place in Jackson. See, a lot of drum
16 that we didn't use -- we couldn't use like
17 steel and plastic. We sell them to the
18 grind -- they grind them up. What the name
19 of that plastic place in Jackson, Tennessee?
20 I forget the name. We sold a lot of plastic
21 to them.22 And what we do, we had a crusher. We
23 crush drums and sell them to a company like
24 Martin Brother in Mississippi.1 Q. And did you crush them at the
2 facility?

3 A. I helped.

4 Q. I mean, not you, did American Drum
5 crush the --

6 A. Yeah.

7 Q. You didn't grind them?

8 A. You don't grind steel. You grind
9 plastic. The plastic drum, we took them away
10 and sold them to a plastic company that grind
11 them and sent them over to China or wherever
12 they sell them.13 Q. And who did you sell the steel drums
14 to?

15 A. Martin Brother.

16 Q. Can you think of any other ones?

17 A. Worley. And another company close up
18 on -- I forget, the big old place. I think
19 you-all closed them up or whatever. I forget
20 the name of the company over on -- the big
21 iron company on Thomas. I forget the name.

22 MR. PARRISH: Pigeon.

23 THE WITNESS: No, not Pigeon.

24 The big scrap yard over on Thomas.

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1 BY MR. HARBIN:

2 Q. Let's go over those companies again.

3 You said the first one was --

4 A. Martin Brother.

5 Q. Martin Brothers. And where are they
6 located?7 A. In Mississippi, Byhalia. We sold
8 scrap and drums over to them. Worley
9 Brothers.

10 Q. And where are they located?

11 MR. PARRISH: Can you spell it?

12 THE WITNESS: I can't spell,

13 Worley, no. They were out on Florida and
14 Crump.

15 BY MR. HARBIN:

16 Q. And those were the steel drums?

17 A. Those were steel drums, uh-huh.

18 Q. What did you -- who did you sell the
19 plastic drums to?20 A. To a plastic recycler in Jackson,
21 Tennessee. I forget -- I know where it is.
22 I don't have that with me.23 MR. SPURLIN: Mr. Williams,
24 would that company be Southeastern Recycling?1 THE WITNESS: No. KMI was out
2 in -- out from Jackson. We sold a lot of
3 them to them.4 MR. SPURLIN: You mentioned one
5 in Greenfield maybe or somewhere in the
6 Greenfield area.

7 THE WITNESS: In that area.

8 MR. SPURLIN: It's in the site
9 file.

10 MR. PARRISH: S-I-T-E?

11 MR. SPURLIN: Yes. I'm sorry.

12 BY MR. HARBIN:

13 Q. You mentioned gasoline rags.

14 A. Uh-huh.

15 Q. What did you-all do with the gasoline
16 rags?

17 A. Put them in the drum.

18 Q. And what did you do with the drum?

19 A. That's what they haul off.

20 Q. What they -- what EPA hauled off --

21 A. Yeah.

22 Q. -- when you spoke to Mr. Spurlin?

23 A. Yeah.

24 MS. RICHARDSON: I want to ask a

Exhibit D

1 question. Before EPA came in and hauled
 2 those off, the rags, what did you do with the
 3 rags? What would happen with the rags?

4 THE WITNESS: They was in drums,
 5 most of them -- the EPA hauled -- see, we
 6 just started in 2'03. Most of the drum, you
 7 had trash and -- you know.

8 MS. RICHARDSON: So there was no
 9 disposal process for those rags with the
 10 gasoline on them?

11 THE WITNESS: No, there wasn't.

12 MS. RICHARDSON: Okay.

13 BY MR. HARBIN:

14 Q. And, Mr. Williams, you mentioned a
 15 filtration system.

16 A. Uh-huh.

17 Q. Would you describe that filtration
 18 system?

19 A. The filtration system when you -- you
 20 got a pump that pump the waterline in and go
 21 to a tank, go to a filtration system, catch
 22 all of the -- whatever you -- catch all
 23 the -- everything, that sludge or whatever it
 24 catches and hold it within the tank. Then

1 the water will go back into the sewer.

2 Q. And what comprised the filtration
 3 system? Describe the filtration system.

4 A. Big old tank with a filter and stuff
 5 in them. Then you got a pump, it go to the
 6 pump filtration system, and the water go to
 7 the tank. And once it's cleaned, it go back
 8 in there.

9 Q. Let me take this one step at a time.
 10 The water from the --

11 A. Washing the drum.

12 Q. From washing the drums would go into
 13 what?

14 A. Go to --

15 Q. Equipment?

16 A. Go to a tank.

17 Q. It would go to a tank?

18 A. Uh-huh. Pump, go to a pump first.
 19 Go to the pump. Then from the pump, then the
 20 tank to the filtration system; from the
 21 filtration system, back in the sewer.

22 Q. It would go to a pump?

23 A. Uh-huh.

24 Q. And the pump would pump it in --

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1 would pump it where?

2 A. Into a tank.

3 Q. And what size is the tank?

4 A. Two hundred seventy-five gallon tank.

5 Q. And what would happen to the water
 6 then, after it was pumped into the tank?

7 A. It would go to a filtration -- go
 8 through the system, then go back in the
 9 sewer.

10 Q. Go through the system?

11 A. Uh-huh.

12 Q. What was the system?

13 A. That's what I say, a tank with the --
 14 to catch all -- whatever it's catching and go
 15 back in the sewer.

16 Q. I'm not understanding. It would go
 17 to a tank, a 230 --

18 A. No. Go to a pump first, then go
 19 through the -- to the tank.

20 Q. And then it would go through the
 21 filtration?

22 A. That is the filtration, the tank.

23 Q. The tank is filtration?

24 A. Uh-huh.

1 Q. How would the tank -- how was the
 2 tank a filtration system?

3 A. Well, it catch everything, whatever,
 4 you know. If anything in there to catch it,
 5 clean it and then go back into the sewer.

6 Q. How would the tank clean?

7 A. It had something in it that, you
 8 know -- you know, it's hard -- I'm not a
 9 mechanic, you know. It was a -- it was
 10 approved by the city and state, so I, you
 11 know, I have to get you the method, how we
 12 would do it.

13 Q. Who operated the filtration system?

14 A. It operate itself. Once the guy who
 15 washed the drum, it does it itself.

16 Q. Did it contain chemicals?

17 A. No, uh-huh. It catch everything that
 18 go through there. It will dry whatever it
 19 is. When you wash them, that when the water
 20 go to the pump, pump it from there, where the
 21 washing -- then go to a system, the
 22 filtration system. And before it go there,
 23 in the sewer, it go to the tank and through
 24 the system and go back in the sewer.

Exhibit D

1 Q. So it would go through a pump?
 2 A. Uh-huh.
 3 Q. Into a tank?
 4 A. They call it filtration system.
 5 Q. Was it just a tank?
 6 A. No. It had some -- some like form or
 7 something where they catch all the stuff so
 8 the --
 9 MR. SPURLIN: Would it --
 10 MR. HARBIN: Go ahead.
 11 MR. SPURLIN: I was just going
 12 to say, would you say that it had a screen?
 13 THE WITNESS: Something like
 14 that, something like a screen, yeah.
 15 MR. SPURLIN: To catch solids?
 16 THE WITNESS: Solids, uh-huh.
 17 MR. SPURLIN: Did you have to
 18 periodically clean the screen? And if you
 19 did, what did you do with the material you
 20 cleaned off the screen?
 21 THE WITNESS: Put it in the
 22 drum.
 23 MR. SPURLIN: Okay. Thank you.
 24 BY MR. HARBIN:

1 Q. So you would clean the screen?
 2 A. Uh-huh.
 3 Q. And you would put that residue in a
 4 drum?
 5 A. In a drum.
 6 Q. What did you do with the drum?
 7 A. That's the one they hauled off. It
 8 wasn't many, because we didn't do no work. I
 9 tell you now, we didn't do nothing much. Out
 10 of a hundred percent of our drum come in, we
 11 had something like about 40 percent we sold
 12 to other people because we didn't have the
 13 method of -- you know, we small.
 14 Q. Say that again. About 40 percent --
 15 A. Will go out to other people like
 16 Memphis Drum, Tennessee Container, Geo Cooper
 17 before they closed. We sold them to other
 18 people. They was using the drum. We didn't
 19 have to -- we didn't have the order.
 20 Q. Would you clean those drums?
 21 A. No, uh-huh. They clean them. We sell
 22 them to them, they clean them.
 23 Q. They would come to your facility?
 24 A. Or we take them to them.

1 Q. You would take them to them for
 2 cleaning?
 3 A. For cleaning, not for us, now. We
 4 sell the drum to them.
 5 Q. About how many drums did the
 6 filtration -- when you cleaned the screen,
 7 about how many drums did you fill with the
 8 residue from the screen of the filtration
 9 system?
 10 A. I say we maybe clean about one a
 11 month, less than that.
 12 Q. I'm not understanding, Mr. Williams.
 13 A. It was one a month.
 14 Q. You cleaned about one a month?
 15 A. No. The filtration -- the one that
 16 come off the filtration system screen, one a
 17 month.
 18 Q. You filled one a month?
 19 A. One a month, uh-huh.
 20 Q. Of the residue from the screen out of
 21 the filtration system --
 22 A. Uh-huh.
 23 Q. -- did you ever make any kind of
 24 analysis or determination as to what those

1 materials were that you put into that drum?
 2 A. Yeah, we got the -- we had a lab to
 3 test all that before, uh-huh.
 4 Q. And who did that testing?
 5 A. We got it in the file somewhere.
 6 I'll get it for you, though, I and -- some
 7 lab company. A&L Lab, I believe.
 8 Q. How often did you do the testing?
 9 A. They did -- A&L Lab did testing about
 10 once every three months, 90 days.
 11 Q. And would you say the name of the
 12 company again?
 13 A. I'm not for sure, now. Let me give
 14 the truth. I think A&L Lab. But I could get
 15 it for you, though.
 16 Q. A&L?
 17 A. A&L.
 18 Q. A&L --
 19 A. Uh-huh.
 20 Q. -- Lab. And you would have them come
 21 out and they would test --
 22 A. Uh-huh.
 23 Q. -- what was in that drum?
 24 A. Right.

1 Q. About once --
 2 A. Every 90 days.
 3 Q. Every 90 days.
 4 A. Uh-huh.
 5 Q. And when did that company start?
 6 A. I wouldn't know. I have to find out.
 7 Q. Did you -- did A&L Lab start when
 8 American Drum started operating at that
 9 facility?
 10 A. Yeah, uh-huh.
 11 Q. So you employed A&L Lab in
 12 approximately 2003?
 13 A. 2004. Before we started cleaning
 14 drums, we would haul them in, sell them to
 15 other drum broker, like the other company.
 16 We transfer and sell them to another company.
 17 Q. Did those drums go through the
 18 acceptance program, the ones that you brought
 19 in and sold to other companies?
 20 A. What you mean, acceptance?
 21 Q. Were they -- did you look at them to
 22 see if they were empty?
 23 A. Yes, sir.
 24 Q. Did they contain anything?

1 A. Yeah.
 2 Q. Did they ever contain anything?
 3 A. No, nothing.
 4 Q. They were always empty?
 5 A. Always empty. Because, see, the
 6 company that we got them from made sure
 7 that -- we wasn't in chemical business; we're
 8 in the cleaning business. They were
 9 responsible for their own chemical.
 10 Q. And who were the companies that you
 11 got them from?
 12 A. We got them from -- I think I got a
 13 list. I can't think of them.
 14 Q. We'll go through that later on.
 15 A. Okay.
 16 Q. So there was -- you say that there
 17 was an acceptance program at American Drum
 18 for drums that were brought to the facility?
 19 A. Uh-huh.
 20 Q. And was there a standard applied for
 21 the acceptance program? Did you have any
 22 kind of procedure for accepting drums and
 23 tanks at the American Drum facility?
 24 A. Yes, sir. We knew not to accept no

1 drum with nothing in them. Now, we had a
 2 company --
 3 Q. Go slow, Mr. Williams. Say that
 4 again, please.
 5 A. They knew that we -- we told them not
 6 to accept nothing with nothing in them; all
 7 the drum have to be clean. But we had a
 8 couple company that bring some drums and drop
 9 them off. And they from down -- from
 10 Mississippi, and I put them in a truck and
 11 asked the company come back, pick up the
 12 drum, and nobody came back to pick them up.
 13 I think those the ones that Steve see
 14 in the trailer there, were from some Flying
 15 place in Mississippi, Minnow [sic] City,
 16 Mississippi.
 17 Q. And those drums were brought by a
 18 Flying company from Minnow [sic] City?
 19 A. Mississippi.
 20 Q. Mississippi?
 21 A. Uh-huh.
 22 Q. Do you know the name of that company?
 23 A. I think it on there, Tiger company, I
 24 think.

1 Q. Tiger company?
 2 A. Yes, sir.
 3 MR. SPURLIN: Would it be Flying
 4 Tiger?
 5 THE WITNESS: Flying Tiger,
 6 that's it. Flying Tiger.
 7 MR. PARRISH: Did you say Minnow
 8 City or mini city?
 9 THE WITNESS: Mini city --
 10 Minnow City, Minnow City. M-I-N-E-R,
 11 something like --
 12 MR. PARRISH: Mineral [sic]
 13 City.
 14 BY MR. HARBIN:
 15 Q. Were there any other containers that
 16 were brought onto the American Drum facility
 17 that you-all did not accept?
 18 A. Yes, sir. Now, I have to get into
 19 that. I have to go back and look at the work
 20 because we sent a lot of them back.
 21 Q. Do you remember the names of the
 22 companies that sent those?
 23 A. No. One company over there on
 24 Chelsea.

1 Q. Say that again.
 2 A. I forget -- I have to go by to get
 3 the address. It was a company on Chelsea, a
 4 concrete place, Chelsea and then -- off
 5 Chelsea and Bellevue. They do a lot of
 6 concrete. They run a lot of drum back there.
 7 They wouldn't come get them. I took them
 8 back over there to them.

9 Q. And what did they contain?

10 A. They contained something to clean --
 11 they made concrete, brick, whatever they -- I
 12 don't know what they were.

13 Q. But it contained a cleaning agent?

14 A. Cleaning agent, uh-huh.

15 Q. And you took those back?

16 A. Took those back, yeah.

17 Q. Do you remember any other drums that
 18 you did not accept?

19 A. A lot of them we didn't accept. But
 20 I can't remember who, you know.

21 Q. Were the drums inspected for state --
 22 compliance with EPA standards or state
 23 standards?

24 A. I don't understand what you mean.

1 Explain what you mean. If you mean
 2 shipping --

3 Q. Drum acceptance.

4 A. Accepting shipment like 18 gauge, 18
 5 gauge, so you can't only gauge -- you can --
 6 only drums you could ship is one 18 gauge.
 7 You need 18 gauge. The 20 gauge, they come
 8 in mostly -- a lot of full grade, you just
 9 have them in the house to put water,
 10 whatever, in.

11 The only thing that transportation
 12 would ship are 18 gauge, and 20 in plastic,
 13 certain gauge of plastic.

14 MR. PARRISH: You're saying 18
 15 gauge?

16 THE WITNESS: Gauge, the steel.

17 MR. PARRISH: That's the
 18 gauge --

19 THE WITNESS: Of the drum.

20 MR. PARRISH: You're describing
 21 the kind of steel the drum is made out of.

22 THE WITNESS: Right.

23 MR. PARRISH: 18 gauge.

24 THE WITNESS: 18 gauge.

1 MR. HARBIN: Can we take just a
 2 second, please?

3 (An off-the-record discussion
 4 was held.)

5 BY MR. HARBIN:

6 Q. I would like to introduce as an
 7 exhibit, 1, the response to the Tennessee
 8 Department of Environment & Conservation
 9 information request by American Drum &
 10 Pallet, Inc. And I'd like to introduce that
 11 as Exhibit 1.

12 MR. PARRISH: This document has
 13 a rubber stamp on it. It says received May
 14 23rd, 2007, Memphis field office; is that
 15 correct?

16 MR. HARBIN: Correct.

17 MR. PARRISH: And that's the
 18 field office of what?

19 MR. HARBIN: Of Tennessee
 20 Department of Environment & Conservation.

21 MR. PARRISH: Okay.

22 (Deposition Exhibit 1 was marked
 23 for identification.)

24 BY MR. HARBIN:

1 Q. Mr. Williams, in this document,
 2 Exhibit 1 --

3 MR. PARRISH: Could you ask him
 4 if he can identify it?

5 MR. HARBIN: Absolutely.

6 BY MR. HARBIN:

7 Q. Can you identify that document?

8 A. Yeah, I believe.

9 Q. Did you submit that or did
 10 Mr. Johnnie Williams submit that?

11 MS. RICHARDSON: He is Johnnie
 12 Williams.

13 BY MR. HARBIN:

14 Q. I mean Michael Williams. I'm sorry.

15 A. I'm familiar -- I'm sure I did.

16 MR. PARRISH: Look through the
 17 other pages.

18 THE WITNESS: Okay. And I made
 19 a mistake. I think Gray submitted it, Glover
 20 Gray. I believe Glover Gray submitted it.

21 BY MR. HARBIN:

22 Q. But you are familiar with it?

23 A. I remember seeing it. I'm not
 24 familiar with it, but I remember. Cowdy

Exhibit D

1 Container, they bought a lot of drum.
 2 C-O-W-L-E-Y. That's in Nashville. I'm from
 3 Nashville. Yeah, I remember seeing that --
 4 not the greatest mind in the world, but I
 5 remember seeing it.

6 Q. But this is a document of American
 7 Drum?

8 A. Uh-huh.

9 Q. And it was completed by who?

10 A. Glover Gray.

11 Q. And I'd also like to introduce as
 12 Exhibit 2 the information request from the
 13 Tennessee Department of Environment &
 14 Conservation dated April 5th, 2007.

15 (Deposition Exhibit 2 was marked
 16 for identification.)

17 BY MR. HARBIN:

18 Q. Now, are you familiar with that
 19 document, Mr. Williams?

20 A. Yes, I'm sure I've seen it. I'm
 21 clearly not the best, but like I say -- yeah.

22 Q. And I'm not sure if I asked this
 23 question or not, but let's go back to the
 24 filtration system one last time before we

1 move on to Exhibit 1 and Exhibit 2.

2 A. Uh-huh.

3 Q. The material that you collected from
 4 the screens that went into the drums --

5 A. Yes, sir.

6 Q. -- how were they disposed of?

7 A. The EPA disposed of them.

8 Q. Where were they stored?
 9 A. They were stored inside on the
 10 concrete floor.

11 Q. And what were they stored in?

12 A. 55-gallon steel drum, a 17 gauge.
 13 That's the heavy one that you put it in.

14 Q. Now, we're back to talking about the
 15 acceptance program. And in Exhibit 1, it
 16 says that drums for pickup or drop-off are
 17 inspected for compliance with EPA standards.

18 A. Uh-huh.

19 Q. What standards were they inspected
 20 for?

21 A. They inspect to see if they have any
 22 kind of residue in them.

23 Q. So that's what was termed EPA
 24 standards?

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1 A. I'm sure, yeah. I guess so, yes,
 2 sir.

3 Q. And who was responsible for
 4 conducting that inspection?

5 A. James Wilkerson.

6 Q. We've gone over this before. But did
 7 the drums contain any residue materials that
 8 were brought to American Drum?

9 A. It wasn't never brought to my
 10 attention. I didn't check them. He checked
 11 them. But he knew we're not supposed to put
 12 it -- take anything with any residue in them.

13 Q. Would any have been cleaned that did
 14 contain residue?

15 A. I couldn't say, but it shouldn't have
 16 been. I couldn't say now, but it shouldn't
 17 have been.

18 MR. PARRISH: Did you say
 19 shouldn't or should?

20 THE WITNESS: No, shouldn't have
 21 been. It shouldn't have been.

22 BY MR. HARBIN:

23 Q. But you weren't there checking to see
 24 whether --

1 A. No.

2 Q. -- or not they contained any residue
 3 or not?

4 A. No, I wasn't. I was mostly out in
 5 the field.

6 Q. Did Mr. Wilkerson ever perform what
 7 was termed a hazardous waste determination on
 8 any barrels that contained residue that came
 9 into the facility?

10 A. Well, I know he turned some down; is
 11 that what you mean?

12 Q. There is a term called hazardous
 13 waste determination to see if a material is
 14 or is not a hazardous waste. Did you-all
 15 ever do that at that facility?

16 A. No. Well, you see, you can't
 17 determine what a hazardous waste is without
 18 any -- if you don't have anything to test it
 19 with, you know. What I'm saying, you got to
 20 have the waste in your house, Clorox. You

21 can't determine that. You have to go to a
 22 lab to determine what's hazardous, what ain't
 23 hazardous. That's how it's determined.

24 Q. But do you know whether a hazardous

Exhibit D

1 waste determination was done by Mr. Wilkerson
 2 on any drums that --
 3 A. No, I don't. No, I don't.
 4 Q. Who owned the drums that were brought
 5 to the -- or let me rephrase that.
 6 Who owned the drums that were cleaned
 7 at the 806 Walnut facility?
 8 A. We owned them till we sold them, the
 9 ones that we accept.
 10 Q. When did you-all become the owner?
 11 When did American Drum become the owner?
 12 A. Of the drum?
 13 Q. Yes.
 14 A. Whenever we accept them.
 15 Q. And how did the drums come to the
 16 facility?
 17 A. By truck, a drum hustler, uh-huh.
 18 Q. And American Drum did not become the
 19 owner of them until you-all -- until American
 20 Drum accepted them?
 21 A. Accept them.
 22 Q. So when you-all went out and picked
 23 them up -- and when I use the term "you-all,"
 24 I'm saying American Drum -- when American

1 Drum went out and picked them up and --
 2 American Drum had a person that would go out
 3 and pick drums up?
 4 A. Uh-huh.
 5 Q. Is that correct?
 6 A. Yes, sir, that's correct.
 7 Q. Did American Drum own the drums at
 8 the time they picked them up?
 9 A. No.
 10 Q. It was only after acceptance?
 11 A. Acceptance. Because we have to pick
 12 up drum and took them back.
 13 Q. Do you know who you took them back
 14 to?
 15 A. A glue company over in North Memphis.
 16 They closed down since then. And another --
 17 I think I give you the name yesterday. Last
 18 name Omaha.
 19 Q. Say that again, Mr. Williams.
 20 A. Fuller, F-U --
 21 THE WITNESS: How do you spell
 22 Fuller?
 23 MS. RICHARDSON: F-U-L-L-E-R,
 24 Glue..

1 THE WITNESS: We took some back
 2 to them, and we took back some back to some
 3 other company.
 4 BY MR. HARBIN:
 5 Q. Can you remember who you took them
 6 back to?
 7 A. Not exactly. I could try come to get
 8 it.
 9 Q. If you would do that and you would
 10 provide that to Mr. Parrish, we would
 11 appreciate that.
 12 A. Yes, sir, I will.
 13 Q. You will try to do that?
 14 A. Yes, sir, I sure will. Yes, sir.
 15 Q. Can you identify the chemicals that
 16 were used by American Drum in its process at
 17 the 806 Walnut Street facility?
 18 A. For cleaning drums?
 19 Q. All of the chemicals that was used.
 20 A. In cleaning drum?
 21 Q. Yes, sir.
 22 A. I can find out and let you know. I
 23 don't know. It was a detergent/soap. The
 24 kind of soap -- a soap, it wasn't supposed to

1 have any kind of -- just for washing, yeah.
 2 So it's kind of like dishwashing soap that go
 3 down -- when you wash dishes, go down the
 4 drain.
 5 Q. So detergent/soap?
 6 A. Something like detergent/soap,
 7 uh-huh.
 8 Q. That was the only chemical that
 9 you --
 10 A. The only one I can remember. We got
 11 it from Jack Flint and one other company, got
 12 some from Cougar Chemical. But they knew
 13 what kind of soap I needed, what kind I used
 14 to wash the drums, yeah.
 15 Q. Did you use any other chemicals?
 16 A. I can't remember. Except -- I'm
 17 sorry.
 18 Q. No, go ahead.
 19 A. Except paint, when we paint the drum
 20 with that chemical.
 21 Q. And used gasoline in the rags?
 22 A. On the rags, uh-huh.
 23 Q. So I'm understanding you to say you
 24 used three chemicals?

Exhibit D

1 A. Uh-huh.
 2 Q. Which would have been the
 3 detergent/soap?
 4 A. Uh-huh.
 5 Q. The gasoline?
 6 A. Uh-huh.
 7 Q. And the paint?
 8 A. Paint. Now, use diesel, too. The
 9 machine was diesel.
 10 Q. And --
 11 A. You call that --
 12 Q. How would you use the diesel?
 13 A. The machine run off diesel.
 14 Q. Diesel gasoline?
 15 A. Yes, sir. Diesel, not gasoline.
 16 gasoline. Diesel, what you put in big
 17 trucks. Mr. Steve know what I'm talking
 18 about.
 19 MR. SPURLIN: He's talking about
 20 fuel for his equipment.
 21 MR. HARBIN: I see.
 22 MR. SPURLIN: None of that is
 23 used for cleaning his equipment.
 24 MR. PARRISH: And diesel is not

1 gasoline.
 2 MR. SPURLIN: Correct.
 3 MR. PARRISH: That's totally
 4 separate.
 5 BY MR. HARBIN:
 6 Q. What was the quantity of detergents
 7 that you-all used, approximately?
 8 A. If we washing 50 drum, like I said,
 9 about a gallon.
 10 Q. And how did you manage the chemical?
 11 How was -- who -- who managed -- what
 12 employee managed that chemical detergent?
 13 A. (Indecipherable) Williams wanted to
 14 wash the drum. And Charles Wilkerson.
 15 Q. And how about the gasoline?
 16 A. Mostly Charles or somebody, James
 17 Wilkerson, whoever wiping the drum down.
 18 Q. And the paint?
 19 A. Charles Wilkerson. He's the one that
 20 did the painting.
 21 Q. How were they stored?
 22 A. We got a storage facility, a little
 23 room we put them in. And we just didn't have
 24 that much stored, and we going to paint about

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1 50 drums, two and a half, three gallons --
 2 gallon bucket, that's something -- you know,
 3 we small, like I say. We were so small you
 4 wouldn't believe it, big facility but small
 5 operation.

6 Q. So I'm understanding you to say,
 7 Mr. Williams, that you used -- let me say
 8 this one more time to make sure that I'm
 9 understanding this correctly -- that you used
 10 the chemical detergent?

11 A. Uh-huh.
 12 Q. The soap/detergent for the cleaning
 13 process?

14 A. Uh-huh.
 15 Q. You used gasoline --
 16 A. Uh-huh.
 17 Q. -- for the drum --
 18 A. For cleaning.
 19 Q. -- preparation, cleaning process?
 20 A. Uh-huh.
 21 Q. And then you used paint?
 22 A. Uh-huh.
 23 Q. And those are the only three
 24 chemicals that you used?

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1 A. That I could -- yes, sir, I can
 2 remember that we used.

3 MR. PARRISH: And diesel.

4 MR. HARBIN: And diesel.

5 THE WITNESS: Diesel.

6 BY MR. HARBIN:
 7 Q. Not gasoline, but the fuel to run
 8 your equipment?
 9 A. Equipment, yeah.
 10 Q. Did American Drum ever use what's
 11 called TCE at its facility?
 12 A. Uh-uh. What is -- I don't know what
 13 TCE is.

14 MR. HARBIN: Mr. Spurlin, would
 15 you identify what TCE is?

16 MR. SPURLIN: It's generally
 17 trichloroethylene. It's often used as a
 18 solvent material.

19 THE WITNESS: No.

20 BY MR. HARBIN:

21 Q. Did you ever use trichloroethylene
 22 at --

23 A. I don't remember.

24 MR. SPURLIN: Mr. Williams, the
Exhibit D

1 paint that you used for the drums, did you
 2 buy -- did you purchase that as a new
 3 product, or did you purchase it like as maybe
 4 an off-spec or a used paint to paint your
 5 drums with, or did you buy it new?

6 THE WITNESS: We buy it knew
 7 from Farrell Calhoun, new, brand-new, bucket.

8 MR. PARRISH: Did you say the
 9 name of the company, Farrell --

10 THE WITNESS: Farrell Calhoun,
 11 paint.

12 MR. PARRISH: Farrell Calhoun.

13 BY MR. HARBIN:

14 Q. About how many gallons of paint would
 15 you go through with the 50 drums?

16 A. About two and a half gallon.

17 Q. And who was the employee responsible
 18 for the paint?

19 A. Charles Wilkerson.

20 Q. Do you ever remember having
 21 trichloroethylene, TCE, on the 806 Walnut
 22 facility?

23 A. I don't remember. Maybe have. I
 24 don't remember.

1 Q. You say maybe have. Explain what you
 2 mean by that.

3 A. Well, what I mean, when Steve and
 4 them cleaned it up, it was a lot of chemical
 5 there. I didn't know where -- that's why
 6 they came, because I didn't know what it was.
 7 It was there when we got the facility.

8 Q. So the trichloroethylene you're
 9 saying would have been there prior to --

10 A. It may have been there.

11 Q. May have been there --

12 A. Yeah.

13 Q. -- prior to you-all purchasing --

14 A. Yes, sir.

15 Q. If it was there, it was there prior
 16 to you-all purchasing the facility?

17 A. Right.

18 Q. Do you know where that -- who owned
 19 that trichloroethylene?

20 A. No, sir, I don't. I don't even know
 21 who makes it.

22 Q. Do you know why it was there at your
 23 facility?

24 A. No, I don't.

1 Q. Do you know who brought it to -- why
 2 it was left at your facility?

3 A. No, I don't.

4 Q. Do you know who left it at your
 5 facility?

6 A. No, sir, I don't know. Because when
 7 we bought it, who owned -- it was -- it was a
 8 cabinet company there before we got there,
 9 Pioneer Cabinet, and they did a lot of
 10 chemicals.

11 Q. When did you first discover those
 12 chemicals there when you moved -- after you
 13 moved into the facility?

14 A. I discovered a lot of drum. I didn't
 15 discover none of it. They -- I think,
 16 Mr. Harbin, and the (indecipherable) guy
 17 discovered a lot of it. Only time we knew
 18 they had a lot of drum, like I showed, we had
 19 a lot of drum there. And we never -- in
 20 fact, nobody knew what it was because nobody
 21 never test it.

22 Q. When you moved into the facility, did
 23 you look around the facility to see if
 24 anything was there?

1 A. A lot -- there was a lot of junk
 2 there, a lot of stuff there.

3 Q. A lot of drums or a lot of things
 4 there when you --

5 A. A lot of drums, a lot of pallets, a
 6 lot of debris, a lot of stuff was there.

7 Q. Where were the drums located in the
 8 facility?

9 A. They was -- they was out in the back,
 10 in the back, back there, and then we had out
 11 on Alston -- the little -- you know, the shed
 12 full of them, the yard was full and the alley
 13 back there was full. So they were
 14 everywhere.

15 Q. And that's the drums that you're
 16 saying -- they were there before you-all
 17 moved into the facility?

18 A. I didn't discover them. They
 19 discovered them.

20 Q. Who is they?

21 A. EPA discovered them.

22 Q. But you -- did you ever inspect the
 23 facility or walk around the facility prior to
 24 EPA discovering the drums?

Exhibit D

1 A. Yes, sir, we did.
 2 Q. Did you ever see those drums that EPA
 3 discovered?
 4 A. I seen most of the drums, but I
 5 didn't know what was in them. They didn't
 6 have no label on them, I don't think. They
 7 just, you know --
 8 Q. Did you ever think about inspecting
 9 them to see what was in them?
 10 A. No, sir, I didn't.
 11 Q. Did American Drum ever have methyl
 12 parathion or use methyl parathion?
 13 A. No, sir, we never used that.
 14 Q. Was it ever on the site?
 15 A. I think Steven showed me in the
 16 trailer they were. It went to the people
 17 that brung the stuff down from Flying Tiger;
 18 and when I seen that had the skull on it,
 19 that's when I put them in the trailer. And
 20 when Mr. Steven came in, I showed him in the
 21 trailer where they were, out on the front
 22 dock, because it had a skull on it, I think.
 23 I showed him.
 24 Q. Okay. Let's go through this.

1 A. Okay.
 2 Q. There were containers on the American
 3 Drum facility that contained methyl
 4 parathion?
 5 A. Okay.
 6 Q. Is that correct?
 7 A. Well, I don't know what was -- I know
 8 it had a skull on it, and I seen I think on
 9 the reports that it had residue in it.
 10 Q. Residue?
 11 A. Uh-huh.
 12 Q. And who brought those containers in?
 13 A. The company dropped them off from
 14 Minnow City. I think Flying Tiger.
 15 Q. Do you have records of that?
 16 A. No. I could -- you know, I know
 17 where they -- I know where they at. I can
 18 get the address. I know where they at. They
 19 in Minnow City, Mississippi, down below my
 20 hometown.
 21 Q. And would you get that for
 22 Mr. Parrish and have Mr. Parrish supply that
 23 to me?
 24 A. I sure will, yes, sir.

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1 Q. Now, did American Drum go down and
 2 pick those containers up, or did the company
 3 bring them to --
 4 A. The company brought them to me.
 5 Q. The company brought them to you?
 6 A. Yes, sir.
 7 Q. Were they in a trailer or what were
 8 they in? How did the company bring them to
 9 you?
 10 A. In a Bob truck.
 11 Q. In a Bob truck?
 12 A. Uh-huh.
 13 Q. And what is a Bob truck?
 14 A. Anything beyond a 24 -- 20 foot, 24,
 15 26 Bob truck. It is a Bob truck.
 16 Q. Is it a fully contained covered --
 17 A. Covered, right, uh-huh.
 18 Q. And when did they bring those to you?
 19 A. I have to try to find -- work to find
 20 out when. I don't know exactly when.
 21 Q. Take me through the process of --
 22 they brought that Bob truck. Was there one
 23 Bob truck or two Bob trucks or three Bob
 24 trucks?

1 A. Well, I wasn't there. But I think
 2 one Bob truck.
 3 Q. One Bob truck?
 4 A. Uh-huh.
 5 Q. And what happened after they came to
 6 the facility?
 7 A. After then, they left them on the
 8 dock. See, you know, when you -- when you --
 9 you was over there yesterday. When people
 10 got something they want to get rid of or got
 11 something they think -- a used drum like
 12 that, they drop them off, hoping that you'll
 13 use them, that you need them. They never
 14 hardly come back and pick them up.
 15 Q. Say that again.
 16 A. They never hardly come and pick
 17 them -- they will drop them off. I
 18 remember -- I'm not there while people drop
 19 off stuff at.
 20 Q. And so people would drop off drums?
 21 A. Uh-huh.
 22 Q. What did you do with those drums they
 23 would drop off?
 24 A. If they dropped off, it is a loss.

Exhibit D

1 drum, we use it. And if they had anything in
 2 them, I made sure that they come back and get
 3 them if I knew who dropped them off.

4 Q. You did know who dropped them off?
 5 A. I know who dropped those off.

6 MR. PARRISH: I think he said if
 7 he knew who dropped them off.

8 BY MR. HARBIN:

9 Q. And you knew who dropped off the
 10 containers that had the residue in them that
 11 we're talking about that's in the Bob truck?

12 A. Right, uh-huh.

13 Q. After you found out -- after they
 14 dropped them off, what happened after that?

15 A. Then I got my guy to store them in
 16 the trailer.

17 Q. Did you move them from the Bob truck?

18 A. No. I moved them from the dock.
 19 They dropped them off at the dock. I moved
 20 them from the dock. After they didn't come
 21 back and pick them up after a couple days,
 22 because I see the skull on them, I move them,
 23 secure them in a trailer and put them behind
 24 to make sure nothing would get out.

1 Q. Did you call them to tell them to
 2 come and pick them back up?

3 A. Uh-huh, sure did.

4 Q. And do you remember who you talked
 5 to?

6 A. No. But I asked Dorothy Williams to
 7 go help the guy and she did.

8 Q. She did? Dorothy called the --
 9 Mrs. Williams called?

10 A. Uh-huh.

11 Q. Would Ms. Williams be able to tell
 12 me -- to tell us who she talked to?

13 A. I can ask and see.

14 Q. Would you find that out for --

15 A. I find out.

16 Q. -- for us and get that information to

17 your attorney, Mr. Parrish?

18 A. Yes, sir. Uh-huh.

19 Q. Did you make more than one attempt to
 20 call them and --

21 A. Several attempt.

22 Q. After you moved them from the loading
 23 dock, you -- I'm not understanding,

24 Mr. Williams. You found them at the loading

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1 dock.

2 A. Uh-huh.

3 Q. What happened to them after that?

4 A. I put them in the -- I had my guy put
 5 them in the trailer, secure them.

6 Q. And was the trailer -- again, was the
 7 trailer owned by you?

8 A. Yes, the trailer owned by me.

9 Q. And the company never came to pick
 10 the --

11 A. No, they didn't.

12 Q. -- bottles -- the drums back up?

13 A. No, sir, they didn't.

14 Q. And where they -- the trailer that
 15 you moved them to is the trailer that
 16 Mr. Spurlin discovered them in?

17 A. Uh-huh. He didn't discover them. I
 18 told him. When Mr. Spurlin came -- let's put
 19 this on record. When he came there, I took
 20 him around -- 100 percent I showed him where
 21 everything was and that I didn't know and he
 22 had to test and he told me what to do.

23 Everything he told me to do I was doing it.

24 Q. Okay.

1 A. Okay.

2 MR. PARRISH: You're talking
 3 about Mr. Spurlin?

4 THE WITNESS: Mr. Spurlin.

5 BY MR. HARBIN:

6 Q. During your operations at the 806
 7 Walnut Street facility, the cleaning of the
 8 drums, the rinsing, the drying, was there any
 9 waste generated from the operations? Did you
 10 process waste generated from the operations
 11 there?

12 A. Talking about cleaning the -- what
 13 you call it -- the screen off?

14 Q. Any waste.

15 A. Yeah. We put them in the drum,
 16 55-gallon drum, 17 gauge.

17 Q. So we're talking about the waste that
 18 was generated from the filtration system; is
 19 that what you're speaking of?

20 A. Uh-huh, right.

21 Q. And the rags?

22 A. Uh-huh.

23 Q. Again, were those the only --

24 A. Only one that I could remember.

Exhibit D

1 Q. Tell me one more time. How did
2 you-all manage the waste that was -- came
3 from the filtration system?

4 A. We take out of the tank, screen and
5 put into a 55-gallon drum, put tops on it.

6 Q. And where were they stored?

7 A. Set them inside the building on
8 concrete, right down from there, wash it.

9 Q. And the gasoline rags?

10 A. Yes, sir, put them in a 55-gallon
11 drum.

12 Q. And they were stored --

13 A. Inside, too.

14 Q. Was there ever a hazardous waste
15 determination made on any of those waste --
16 the waste from the filtration system and the
17 rags?

18 A. We -- no more than what they gave us,
19 you know, EPA with the -- you know.

20 Q. Was there a Great Dane Trailer on the
21 property?

22 A. Uh-huh. Well, it wasn't a Great Dane
23 Trailer. It was a plain Hoover trailer, I
24 believe, had some Great Dane drums in them.

1 Q. Explain that to me, Mr. Williams.

2 A. Okay. There was a Hoover -- old
3 Hoover trailer there, had some Great Dane
4 drums in there. See, Great Dane closed down
5 about, what, 2000 or '99, something like
6 that.

7 So drums -- everybody -- Great Dane
8 did drum paint, they'll paint -- like they
9 make the -- paint the trailer with. That's
10 what they got, the -- they got paint, you
11 know, whoever got the paint from, they either
12 got it from United Paint, whoever made the
13 paint. And they had the name on the drum,
14 Great Dane drum. And it was from them.

15 Q. Did Great Dane operate at the 806
16 Walnut facility?

17 A. No.

18 Q. Where do you think those Great Dane
19 drums came from?

20 A. Came from Great Dane.

21 Q. How did they get to the facility?

22 A. I'm not for sure. Probably drum
23 hustler.

24 Q. Were they -- when did they come to

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1 the facility?

2 A. I couldn't tell you. I don't know.

3 Q. Were you -- was American Drum
4 operating when the drums came to the
5 facility?

6 A. No, sir. They was already there.

7 Q. And they were in the Hoover trailer?

8 A. Hoover trailer, uh-huh.

9 Q. Did you make any attempt to find out
10 who owned the Great Dane drums or who owned
11 the Hoover trailer?

12 A. No, sir.

13 Q. Tell me again about Great Dane. What
14 is Great Dane?

15 A. Great Dane is a trailer facility.
16 They make trailer, pull behind a tractor, you
17 know, 18-wheeler. They make trailer, flatbed
18 and boxed-in.

19 Q. Are they still operating?

20 A. They closed the Memphis plant but
21 they operating, though.

22 Q. And they had a Memphis plant?

23 A. On President Island.

24 Q. Say that again, please.

1 A. On President Island.

2 Q. When did they close that facility?

3 A. I think they closed about 2000, right
4 after 2000, 2001, something like that. But
5 now, they do have another facility, I think,
6 on Mallory Street. I'm not for sure. But I
7 don't think they do no paint --
(Reporter interrupted.)

8 A. Mallory.

9 MR. PARRISH: M-A-L-L-O-R-Y.

10 THE WITNESS: And I said I don't
11 think they do no paint there. I think they
12 just make trailer. I'm not for sure.

13 BY MR. HARBIN:

14 Q. But the drums were marked Great Dane?

15 A. Yes, sir.

16 Q. About how many drums were there?

17 A. I don't know. You may have to ask
18 Mr. Steven. Quite -- may have been quite a
19 few, but I don't...

20 Q. Was Pioneer Cabinet -- you've
21 mentioned Pioneer Cabinet operating there
22 before American Drum.

23 A. Uh-huh.

24 Exhibit D

1 Q. Was Pioneer Cabinet responsible for
2 any materials or waste that was left on the
3 site?

4 A. I don't know.

5 MR. PARRISH: When you're asking
6 responsible, that's sort of a legal question.
7 If you could maybe rephrase it.

8 BY MR. HARBIN:

9 Q. To your understanding -- do you know
10 whether Pioneer Cabinet Company left any
11 materials or waste on the site?

12 A. I don't know. They made cabinets for
13 Holiday Inn. I know that. And when you make
14 cabinets, you got paint, you got lacquer, and
15 you got all kinds of stuff.

16 MR. HARBIN: Can we take a
17 break?

18 (A recess taken.)

19 BY MR. HARBIN:

20 Q. Mr. Williams, could you identify the
21 customers of American Drum, when it was both
22 American Drum & Pallet Company, Inc. and
23 American Drum & Pallet, Inc.?

24 A. The same, I think, same customers.

1 Q. Okay. And the --- I'm not looking --
2 we're not looking for the ones that you sold
3 clean drums to.

4 A. Uh-huh.

5 Q. We're looking for the customers who
6 supplied you drums --

7 A. Uh-huh.

8 Q. -- who you would pick up drums from
9 or who supplied you drums. Who were those
10 people or companies?

11 A. Told you all that, yeah. The ones I
12 told you. Now, I may have a few, I gave
13 Ms. Brenita one yesterday. I may have a
14 couple -- as I go through my work, when I
15 find something, I always try to call my
16 attorney and let him know that I come up with
17 something new.

18 Q. Well, you gave me a sheet of paper
19 yesterday that I didn't ask for, but you
20 provided this to me --

21 A. I provided that it you.

22 Q. -- yesterday. And I would like to
23 introduce this as Exhibit 3.

24 MR. HARBIN: Do you have any

1 objection?

2 MR. PARRISH: No.

3 THE WITNESS: I gave it to him.
4 Now, I may have some to add on, I told her.

5 BY MR. HARBIN:

6 Q. And I want to be clear, Mr. Williams.
7 You gave this to me and to Ms. Richardson
8 yesterday. We did not ask for this. You
9 gave this to us voluntarily yesterday --

10 A. Sure did.

11 Q. -- without us asking for this?

12 A. Sure did.

13 MS. RICHARDSON: I want to get
14 on the record the company you mentioned
15 yesterday. Was that the Marianna Company?

16 THE WITNESS: Yeah. Marianna.

17 MS. RICHARDSON: Of Omaha,
18 Nebraska?

19 THE WITNESS: Yeah, that --
20 Omaha. They closed the Memphis plant. They
21 had a big plant in Memphis, and I got a
22 couple more. But I just can't think in my
23 mind. One of them, I know -- Bunia, I
believe. Bon -- I have to go out and see,

1 you know --

2 BY MR. HARBIN:

3 Q. Would you think about that and
provide that to Mr. Parrish as well?

4 A. Yes.

5 (Deposition Exhibit 3 was marked
for identification.)

6 BY MR. HARBIN:

7 Q. Mr. Williams, you've identified that
as the paper you gave to me --

8 A. Yesterday.

9 Q. -- yesterday.

10 A. Uh-huh.

11 Q. And I'm going to going through these
one at a time.

12 A. Okay, sir.

13 Q. If that's okay.

14 A. Yes, sir.

15 Q. Rich Foods?

16 A. Uh-huh.

17 Q. What do they supply to you?

18 A. Plastic and steel drum and tote tank.

19 Q. And what were they -- what was the
nature of their business?

Exhibit D

1 A. I think ice cream. I'm not for sure,
2 but they made food.

3 Q. Was there a written contract?

4 A. No, sir, no.

5 Q. And the -- about how many containers,
6 would they -- did they supply containers to
7 you?

8 A. I guess in a month's time I'd say
9 about 75 to 100.

10 Q. Was that through each and every
11 year --

12 A. Yes, sir, uh-huh.

13 Q. -- that you were operating --

14 A. Uh-huh.

15 Q. -- there?

16 A. Uh-huh.

17 Q. That's how many containers they would
18 supply?

19 A. Uh-huh.

20 Q. What would they supply again?

21 A. Plastic, steel and tote tank.

22 Q. Was there material in those drums?

23 A. No. They were clean.

24 Q. They were clean. How were they

1 delivered to the facility?

2 A. We picked them up.

3 Q. And again who owned the drums? Did
4 you -- who owned those drums? Did you own
5 them when you picked them up, did you own
6 them when you got them to the facility? Who
7 owned those drums?

8 A. When we got them to the facility, we
9 would use all of them.

10 Q. Is there a contact person for Rich
11 Foods?

12 A. I could get the name.

13 Q. Smucker's Jelly?

14 A. Uh-huh.

15 Q. And did they provide the drums or did
16 you go and pick them up?

17 A. Went out and picked them up.

18 Q. Was there a written contract?

19 A. No.

20 Q. Was there a written contract with any
21 of these companies?

22 A. No, uh-uh, no.

23 Q. And again with any of these
24 companies, do you ever remember there being

1 any material in the drums that you would pick
2 up?

3 A. Could I look at that?

4 Q. Yes.

5 MR. PARRISH: That is Exhibit 3
6 that you're looking at?

7 THE WITNESS: Uh-huh.

8 MR. HARBIN: Thank you.

9 THE WITNESS: Only company that
10 I remember that we picked up drum that may
11 have some residue in it was CCL because they
12 made cologne, CCL, they made cologne and face
13 stuff like that. I also they -- the Flying
14 Tiger in Minnow City there, yeah, they had
15 them in.

16 BY MR. HARBIN:

17 Q. It says Target Flying. Did you mean
18 that --

19 A. I mean Tiger, should be Tiger Flying.
20 I'm sorry.

21 Q. So out of these, and I'm going to
22 read these off --

23 A. Yeah.

24 Q. -- there was Rich Foods?

1 A. Uh-huh.

2 Q. Smucker Jelly?

3 A. Uh-huh.

4 Q. Newlywed Foods?

5 A. Now, Newlywed may have -- I'm not for
6 sure because we took -- we had some drum that
7 had some hot sauce and some molasses in them
8 and we took them back, but they clean them
9 out. We took the drum back.

10 Q. And they came and got them?

11 A. No. We took them back.

12 Q. You took them back?

13 A. Yeah, they cleaned them out and we
14 got them.

15 Q. They cleaned them out?

16 A. Yes.

17 Q. Newlywed Foods cleaned them out?

18 A. Yes.

19 Q. And they brought them back to the
20 facility?

21 A. No. We picked them up.

22 Q. You picked them up?

23 A. Uh-huh.

24 Q. Pepsi Cola Bottling?

Exhibit D

1 A. We got a lot of -- most of them had
2 was Pepsi Cola syrup.
3 Q. You would clean the syrup out?
4 A. Only be just a little, yeah, because
5 Pepsi Cola had so many, they had quite a few.
6 And you see in the pictures Pepsi Cola drum.
7 Q. How many?
8 A. We used to pick Pepsi Cola every two
9 weeks. Yeah, Pepsi Cola drums.

10 MR. HARBIN: I'd like to make
11 this photograph Exhibit 4.

12 (Deposition Exhibit 4 was marked
13 for identification.)

14 BY MR. HARBIN:

15 Q. Mr. Williams, you've identified this
16 photograph Exhibit 4 as the Pepsi Cola?

17 A. Pepsi Cola.

18 Q. And it had -- the Pepsi Cola had
19 syrup residue in some of them?

20 A. Yes, sir.

21 Q. Leonard's Recycling, what was that?

22 A. That was plastic drums that we got
23 from him.

24 Q. Do you know what their business was,

1 Leonard's Recycling?
2 A. No. I think he was picking them up
3 from somewhere else. I'm not for sure. I
4 think he was picking them up from Ideal
5 Chemicals, but they were empty when he
6 brought them.

7 Q. Did they contain any residue?

8 A. I couldn't say.

9 Q. Who would know that?

10 A. James Wilkerson, James Wilkerson
11 would know. I can ask him and get a
12 statement from him through my lawyer.

13 Q. If you could do that, I would
14 appreciate that.

15 A. Yes, sir. And you make a note of
16 what I need to do.

17 Q. We're doing that.

18 A. Okay. I'm sorry. Because I will
19 forget.

20 Q. We're doing that, Mr. Williams, but
21 thank you.

22 A. Precision Technology, did you pick up
23 barrels for them?

24 A. Yeah, I picked up drums from them,

1 yes, sir.

2 Q. You picked up drums from them. Did
3 they have any residue?

4 A. No.

5 Q. What was Precision Technology, what
6 was their business?

7 A. They were making something like hair
8 spray.

9 Q. What kind of drums did you pick up
10 from them?

11 A. Steel and plastic.

12 Q. Hanco Manufacturing?

13 A. Uh-huh.

14 Q. Did you pick up --

15 A. Picked up steel from them.

16 Q. Steel drums from them?

17 A. Uh-huh.

18 Q. Did they contain any residue?

19 A. No. No.

20 Q. What was their business,

21 Mr. Williams?

22 A. I don't know. I have to find out.

23 Q. I forgot if I asked this, but what
24 drums did you pick up from Hanco?

1 A. Steel.

2 Q. Steel drums?

3 A. Uh-huh.

4 Q. Jack Flint & Son, what did you pick
5 up from them?

6 A. Steel and plastic and tote tank.

7 Q. Did they contain any residue, to your
8 knowledge?

9 A. No, not to my knowledge -- they made
10 soap or we bought soap from them.

11 Q. I see. Jackson Oil Company.

12 A. Uh-huh, picked up empty drums from
13 them. They handle oil. They used to be in
14 Memphis, but they in West Memphis now.

15 Q. What drums did you pick up from them?

16 A. Steel and tote tank, they didn't have
17 plastic. Steel and tote tank.

18 Q. Kenny & Associates?

19 A. He made this air condition oil that
20 he sold to Carrier, Carrier Air Conditioning.

21 He's on Jackson. The drums I pick up from
22 him was empty.

23 Q. What kind of drums did you pick up?

24 A. Open head.

Exhibit D

1 Q. Open head?
 2 A. Uh-huh, steel.
 3 Q. Steel, open-head steel?
 4 A. Open-head steel, yes, sir.
 5 Q. Chemical Specialty?
 6 A. Uh-huh.
 7 Q. Did you pick up drums from them?
 8 A. All kinds, plastic, steel, uh-huh.
 9 Q. Did they contain any residue?
 10 A. Not -- no, no, not that I know of, I
 11 don't think they did.
 12 Q. We've got CCL?
 13 A. Now they did contain residue because
 14 they had mostly fumes and -- perfume and
 15 lotion, they made lotion, perfume, you know,
 16 deodorant.
 17 Q. And I think you indicated that there
 18 were some barrels that had residue from CCL?
 19 A. From CCL, yes, sir.
 20 Q. And help me here because I forgot
 21 whether I've asked you this: What did you
 22 get from CCL?
 23 A. All kinds, steel, plastic, tote tank.
 24 Q. And about how many would you get from

1 CCL?
 2 A. I would say about close to 100 a
 3 month.
 4 Q. Was that during all of the operations
 5 through the years that you operated --
 6 A. Uh-huh.
 7 Q. -- at the facility?
 8 A. Yes, sir.
 9 Q. Farris Calhoun Paints?
 10 A. Uh-huh.
 11 Q. Did you get drums from them?
 12 A. And tote tanks.
 13 Q. And the quantity of drums that you
 14 would get from them?
 15 A. Very few, I guess about 50 every two
 16 or three months; we got quite a few tote
 17 tank, I'd say 35 tote tank a month.
 18 Q. And was that during the whole time
 19 that you operated there?
 20 A. Mostly. Mostly.
 21 Q. And what do you mean by mostly? Help
 22 me out.
 23 A. Well, a lot of time the company like
 24 Cowley Container, Tennessee and Memphis,

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1 whoever come first, first-come, first-serve,
 2 get the drum.
 3 MR. PARRISH: Did you say Kelly?
 4 THE WITNESS: Cowley, they
 5 own --
 6 MR. SPURLIN: C-O-W-L-E-Y.
 7 THE WITNESS: Yeah, Cowley, they
 8 in Nashville.
 9 BY MR. HARBIN:
 10 Q. Did you get containers from Cowley
 11 Containers?
 12 A. No. I sold them containers.
 13 Q. Tri-State Agricultural, did you get
 14 containers from --
 15 A. That is the little white 30 gallon.
 16 No, I have to find out. They from over in
 17 Arkansas somewhere.
 18 Q. Yes, sir. They are listed as being
 19 in Arkansas.
 20 A. I have to find out. We got 30-gallon
 21 drums from them.
 22 Q. That was steel and plastic drums?
 23 A. No. Just plastic.
 24 Q. Just plastic. Did they contain any

1 residue?
 2 A. No.
 3 Q. And airport is listed here in
 4 Clarksdale, Mississippi; is that --
 5 A. That's Sweeney Airport, I think
 6 W.N.N. Sweeney, right on 49 right outside
 7 Clarksdale.
 8 MR. PARRISH: Are you saying
 9 S-W-I-N-N-E-Y (sic)?
 10 THE WITNESS: I believe so,
 11 Sweeney.
 12 BY MR. HARBIN:
 13 Q. What did you get from Sweeney
 14 Airport?
 15 A. Plastic drums, 55-gallon drum and
 16 30-gallon.
 17 MR. SPURLIN: Was Sweeney a crop
 18 dusting-related facility?
 19 THE WITNESS: Yes.
 20 MR. SPURLIN: Thank you.
 21 BY MR. HARBIN:
 22 Q. You have got right below airport, you
 23 have Sweeney Flying.
 24 A. That's it, Flying. The other

Exhibit D

1 airport's in Clarksdale, two different ones,
2 two different ones.

3 Q. I'm sorry. Help me clarify it. We
4 have airport listed in Clarksdale,
5 Mississippi and Sweeney Flying in Clarksdale,
6 Mississippi?

7 A. Sweeney Flying on 49. Airport is on
8 61 before you get in Clarksdale.

9 Q. Let's go back up to airport.

10 A. Okay.

11 Q. What do you mean by airport?

12 A. Well, they handle a lot of drums too.
13 They have crop dusters like Sweeney do. So I
14 get 30 gallon from them and get 30 gallon and
15 55 from Sweeney.

16 Q. And is this the name of the company,
17 just airport?

18 A. No. I have to get that. I'll give
19 it to the attorney. I'll get the name of it.
20 We call it airport because they shorter name.
21 We know about it, you know.

22 Q. But it was a crop dusting facility?

23 A. Yes, sir. Yes, sir.

24 Q. And it was on Highway --

1 A. 61. Right over by the -- the Army
2 Reserve thing; airport, Army Reserve all
3 together.

4 Q. You would pick up drums?

5 A. 30 gallon.

6 Q. 30 gallon?

7 A. Yes, sir.

8 Q. Any 55 gallon?

9 A. No, not from them. Mostly 30 gallon.

10 Q. And how many would they supply to
11 you-all?

12 A. I guess I would say about 100 every
13 two or three months.

14 Q. During the whole time --

15 A. Whole time, yes.

16 Q. American Drum operated?

17 A. Yes, sir.

18 Q. And Sweeney Flying?

19 A. Uh-huh.

20 Q. That's the one that we just talked
21 about?

22 A. Talked about.

23 Q. And, again, about how many did they
24 supply?

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1 A. Sweeney, I would say something like
2 about 75 every 90 days or something like
3 that. Now, I got 55 and 30 from Sweeney,
4 combined 75.

5 Q. And that was the whole time that
6 American Drum operated at the 806 facility?

7 A. Right, yes, sir.

8 Q. And then we've got Target Flying, but
9 that was supposed to be Tiger?

10 A. Tiger.

11 Q. Or Flying Tiger?

12 A. Flying Tiger, that's it, in Minnow
13 City, Mississippi.

14 Q. And that is a crop dusting --

15 A. Uh-huh, yes, sir.

16 Q. About how many drums did you get from
17 Flying Tiger?

18 A. I don't know how many, but that's the
19 one that has the skull on it; and we -- yeah.
20 I guess we had about 50, 60. How many was
21 there?

22 MR. SPURLIN: There's a final
23 count on the one we dealt with in the report.
24 I don't remember the number off the top of my

1 head.

2 BY MR. HARBIN:

3 Q. About how many -- did you -- did
4 Flying Tiger supply drums to you-all, to
5 American Drum, the whole time you were in
6 operation there?

7 A. Not the whole time, but sometimes.

8 Q. More than one occasion?

9 A. More than one occasion.

10 Q. About how often?

11 A. I would say about once a year out of
12 about four year. See, they drum -- the other
13 drum we got from them, the 30 gallon, 55, but
14 these last ones that they brought and dropped
15 on the dock was the one that had the skull on
16 it. The one I didn't use -- didn't take from
17 them.

18 MS. RICHARDSON: Let me ask a
19 question about Tiger Flying or Flying Tiger.
20 Is it Flying Tiger of Mississippi or is it --
21 do you have a different name or a specific
22 name?

23 THE WITNESS: No. I could get
24 it for you. I'll get it for you.

Exhibit D

1 MS. RICHARDSON: Okay. Then it
2 is a Mississippi --
3 THE WITNESS: Yes, Minnow City,
4 Mississippi.
5 BY MR. HARBIN:
6 Q. Parker Hannisan?
7 A. Uh-huh. Arkansas.
8 Q. What is the -- Truman, Arkansas?
9 A. Okay. Uh-huh.
10 Q. Tell me what drums you got from them.
11 A. Steel, open head and closed head.
12 Q. And you would pick them up?
13 A. I would pick them up.
14 Q. How many would you get?
15 A. About one load every four or five
months and a load consisted of about 75 to
16 100 drums.
17 Q. And that was the whole time that
American Drum operated?
18 A. Mostly. Not whole time. I would say
two or three a year the time that we were
there.
21 Q. Lincoln, Incorporated in Jonesboro,
Arkansas.

1 A. Picked up there one time.
2 Q. And what did you pick up?
3 A. Steel drum.
4 Q. Did it have any residue in it?
5 A. No. They cleaned and washed them
out.
7 Q. Yellow Freight in Memphis, Tennessee.
8 A. Yes, sir.
9 Q. And what did they supply to you?
10 A. We picked up all the empty drums, all
the drums; soap drum, oil drum.
12 Q. What size drums?
13 A. 55 gallon.
14 Q. 55 gallon?
15 A. Uh-huh.
16 Q. And how often --
17 A. We got Yellow about once, I would
say, about once every four or five months.
19 Q. How many drums would they supply?
20 A. About 30 or 40.
21 Q. Once every three or four months?
22 A. Yes, sir.
23 Q. Was that the whole time that American
Drum operated at the facility?

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1 A. About four year.
2 Q. Did it have any residues that you
remember?
4 A. No. Well, they didn't wash them out.
5 They have had some with oil residue and soap
6 residue.
7 Q. Phoenix Zinc, Incorporated?
8 A. Uh-huh. They -- they out of
9 business. They in Collierville --
10 Millington. You-all spent about 5 or 6
11 million dollars to clean that place up on
12 Church Road out in Millington. We picked up
13 a lot of tanks from them from about 2'04 to
14 about 2'06, but they clean up that place.
15 Q. Did they supply drums?
16 A. Yes, sir.
17 Q. How many would they supply?
18 A. I would say about 40, 50 every 90
days to six months.
20 Q. And was there any residue that --
21 they cleaned theirs out?
22 A. They cleaned theirs out.
23 Q. Gromoar Company?
24 A. Yeah, on the island. We picked up

1 plastic from them and they cleaned theirs
out. They are part of -- Gromoar part of
Drexel Chemical.
4 Q. And how many would you pick up?
5 A. They was open about two year. We
6 pick up -- in the whole total in the two year
we picked up over 150 drums.
7 Q. Were they 55?
9 A. 55, plastic.
10 Q. And did they wash theirs out?
11 A. Yes, sir, they washed out.
12 Q. Piper Impack?
13 A. I believe they in Batesville,
somewhere in Batesville, Mississippi, I
believe.
15 Q. Yes, sir.
17 A. We picked up a lot from them. Steel
drums, open head and tight head.
19 Q. And how many would you get from them?
20 A. I would say about a load, about 100
every 90 days.
22 Q. Was that during the whole time that
American Drum operated?
24 A. Not the whole time. I'll say about

Exhibit D

1 three or four years.

2 Q. Was that in the later part of the
3 three or four years or the earlier part?

4 A. Early part.

5 Q. Early part?

6 A. Yes, sir.

7 MR. SPURLIN: Do you know the
8 nature of their business?

9 THE WITNESS: No, I don't. I
10 think they made air conditioning. I'm not
11 for sure. You know they are not CCL anymore.
12 They change their name to KIK, K-I-K,
13 something like that.

14 BY MR. HARBIN:

15 Q. K-I-K?

16 A. Uh-huh.

17 Q. Do you know where they are located?

18 A. On Third Street, 19 -- 1800 block of
19 Third Street and 61.

20 MR. PARRISH: Third and 61 are
21 the same street.

22 THE WITNESS: Yeah, the same
23 street.

24 MS. RICHARDSON: I notice you do

1 a lot of business with crop dusters and you
2 said Flying Tiger is the one that left the
3 drums with the skulls on it?

4 THE WITNESS: Uh-huh.

5 MS. RICHARDSON: Do you have
6 some documentation that they're the ones that
7 left the drums or how do you know they left
8 the drums?

9 THE WITNESS: I called them --
10 Dorothy Williams called them and they said
11 they would pick them up, but they never did.

12 BY MR. HARBIN:

13 Q. Was Monsanto ever a client? Did they
14 ever supply drums to American Drum & Pallet
15 Company?

16 A. No, sir.

17 Q. During the lien meeting, the name
18 Monsanto was mentioned. How was that
19 mentioned, do you remember in what context?
20 You said you had a contract with Monsanto.

21 A. That was the other company I told
22 you, W.R. Drum, a while back, over 10 years
23 ago.

24 Q. And that was W.R. Drum?

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1 A. Uh-huh.

2 Q. W.R. Drum ever operated at 806
3 Walnut?

4 A. No, sir.

5 Q. So Monsanto did not supply any drums
6 and never was a client to American Drum &
7 Pallet Company?

8 A. No, sir.

9 Q. Did American Drum do business with
10 Dupont?

11 A. Not at American Drum & Pallet, no,
12 sir.

13 Q. It again was mentioned during the
14 lien meeting that we had. In what context
15 was Dupont mentioned?

16 A. In the old company.

17 Q. That was W.R. Drum?

18 A. Right, uh-huh.

19 Q. So Dupont -- did Dupont ever supply
20 any drums or conduct any business with
21 American Drum at the 806 Walnut facility?

22 A. No, sir.

23 Q. Did American Drum conduct any
24 business with Asplundh?

1 A. I don't remember that name.

2 MS. RICHARDSON: It's Tree
3 Expert, Asplundh Tree Expert Company.

4 THE WITNESS: I don't remember
5 that. What the address? Do you have an
6 address?

7 MS. RICHARDSON: I don't have an
8 address. I believe you told Mr. Spurlin that
9 Asplundh Tree Expert Company used the
10 herbicide to maintain railroad right-of-way.
11 You don't remember that?

12 THE WITNESS: No, I don't.

13 MS. RICHARDSON: Okay.

14 MR. PARRISH: Is that S-P-I-N --

15 MR. HARBIN: That is
16 A-S-P-L-U-N-D-H.

17 MR. PARRISH: Okay.

18 BY MR. HARBIN:

19 Q. But you, Mr. Williams, don't remember --

20 A. I don't remember that.

21 Q. -- using any -- getting any drums

22 from Asplundh?

23 A. I don't even know the company. If I

24 could find out, I will let you know.

Exhibit D

1 trying to think now.

2 Q. There were 144 containers that you
3 had indicated came from Asplundh. Do you
4 remember that?

5 A. I don't -- let me go back and think
6 and look. I will do it and I will definitely
7 let you know. Asplundh.

8 MR. PARRISH: Big green trucks,
9 they are all over town. During the ice storm
10 they were taking --

11 MR. HARBIN: We want to take a
12 break for a second. We three are going to
13 caucus outside.

14 MR. PARRISH: We'll go out.

15 (A recess was taken.)

16 BY MR. HARBIN:

17 Q. Mr. Williams, Chemical Specialty is
18 listed here in Memphis, Tennessee, is that a
19 paint-related company? Do you know what its
20 business is?

21 A. No. Made chemical, it make soap,
22 make chemical that you drain chemical, all
23 that.

24 Q. Is Kraft Foods Nabisco --

1 A. Uh-huh.

2 Q. Did American Drum pick up containers
3 for Kraft Foods?

4 A. Sure did. I forgot to put them in
5 there.

6 Q. How many containers --

7 MR. PARRISH: So we're clear,
8 you forgot to put them on Exhibit 3?

9 THE WITNESS: Uh-huh.

10 MR. PARRISH: Okay.

11 MR. HARBIN: Thank you for the
12 clarification.

13 MR. PARRISH: Sorry.

14 MR. HARBIN: Absolutely.

15 BY MR. HARBIN:

16 Q. About how many containers did you
17 pick up for Kraft Foods?

18 A. I'll say something like about 10 or
19 15 a month, very few.

20 Q. Was that during the whole time that
21 American Drum operated?

22 A. Uh-huh, yes.

23 Q. What kind of drums did you pick up?

24 A. Open head and tight head.

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1 Q. They were 55 gallon?

2 A. Yes, sir.

3 Q. Were they rinsed out?

4 A. Uh-huh, yeah.

5 Q. Did they contain any residue?

6 A. No residue.

7 Q. And Hershey Chocolate, U.S.A.?

8 A. Uh-huh.

9 Q. That was a --

10 A. Hershey, they make candy.

11 Q. Yes, sir.

12 A. And they make -- we picked up very
13 few from them.

14 Q. When you say very few, how many?

15 A. I would say 35 every two or three
16 months.

17 Q. During the whole time that American
18 Drum operated?

19 A. Yeah, about four year, you know, say
20 about four year.

21 Q. The first four years?

22 A. First four years.

23 MR. PARRISH: Are they on
24 Exhibit 3?

1 THE WITNESS: No.

2 MR. PARRISH: But should be?

3 THE WITNESS: Should be, yeah.

4 BY MR. HARBIN:

5 Q. Did the containers from Hershey
6 Chocolate contain any residue?

7 A. No, sir.

8 Q. Did you pick up any drums from
9 American Fireworks?

10 A. No. We sell them drums.

11 Q. Dee's Oil Company, did you pick up
12 any containers from Dee's Oil Company?

13 A. Yes, sir.

14 Q. What did you pick up from Dee's Oil
15 Company?

16 A. Steel drum.

17 Q. And how many did you pick up from
18 Dee's Oil Company?

19 A. We were selling Dee. We pick up 100
20 and sell them 100.

21 MR. PARRISH: Could you spell
22 Dee's?

23 THE WITNESS: D-E-S, I believe.

24 MR. HARBIN: D-E-S, I believe.

Exhibit D

1 THE WITNESS: Uh-huh.
 2 MR. PARRISH: Are they on
 3 Exhibit 3?
 4 THE WITNESS: No, they are not.
 5 MR. PARRISH: Should they be?
 6 THE WITNESS: They should be.
 7 BY MR. HARBIN:
 8 Q. Drexel Chemical Company, did you pick
 9 up any drums from Drexel Chemical Company?
 10 A. No, sir. Only sold them drums.
 11 Q. Farrell Ocolor, O-C-O-L-O-R?
 12 A. Oh, we sold them drums, F-E-R-C-O,
 13 whatever.
 14 Q. Say that again.
 15 A. F-E-R-C-O, Ferco or something like
 16 that. We sold them drums.
 17 Q. You didn't pick up any drums from
 18 them?
 19 A. No.
 20 Q. Hancock Equipment & Oil Company?
 21 A. No. We sell them drums.
 22 Q. Sell them drums?
 23 A. Uh-huh.
 24 Q. You did not pick up any drums from

1 them?
 2 A. No.
 3 Q. And Chandler Demolition Company?
 4 A. We sell them drums. They put --
 5 Q. Did you pick up any drums from them?
 6 A. No. Demolition company. We didn't
 7 pick up any.
 8 Q. Did you pick up any drums from
 9 Progressive Adhesives?
 10 A. No. We sell them drums.
 11 Q. Delta Foremost Company?
 12 A. We sell them drums. Don't pick up
 13 any.
 14 Q. Did you pick up any drums from
 15 Chemex?
 16 A. No. We sell them drums.
 17 Q. Did you pick up drums from Ricsan
 18 Products?
 19 A. No, we sell them drums.
 20 Q. Did you pick up any drums from
 21 MidSouth Adhesives?
 22 A. No. We sell them drums.
 23 Q. Did you pick up any drums from Moore
 24 Agricultural Products?

1 A. No. We sell them drums.
 2 Q. Did you pick up any drums from
 3 Evergreen Recycles?
 4 A. No. We sell them plastic. That's
 5 the guy in Jackson, Evergreen Recycle on
 6 Mobile Street, I believe. We sell them all
 7 the -- that's who I've been trying to get the
 8 name. We sell them all of our scraps and he
 9 grinds them up. I couldn't get the name.
 10 Q. Very good. Did you sell any drums --
 11 did you pick up any drums from Specialty
 12 Adhesives?
 13 A. No.
 14 Q. Did you pick up any drums from Keen
 15 Expedition?
 16 A. No. We sell them drums.
 17 Q. Did you pick up any drums from Dennis
 18 Knoll?
 19 A. No. We sell them drums.
 20 Q. Did American Drum & Pallet Company,
 21 Inc. have insurance -- any type of insurance
 22 at the facility to cover the facility?
 23 A. At one time we did. We don't have it
 24 now, we didn't have --

1 Q. Who was the insurance company?
 2 A. I believe it was Shelter Insurance.
 3 Have to find out who.
 4 MR. PARRISH: Shelter?
 5 THE WITNESS: Shelter Insurance.
 6 BY MR. HARBIN:
 7 Q. Shelter?
 8 A. Uh-huh, yes. I have to find out for
 9 sure.
 10 Q. What kind of insurance did it -- did
 11 you have there?
 12 A. We had comprehensive and liability,
 13 both kinds.
 14 Q. Do you have any records of the
 15 insurance policy?
 16 A. I think I can find it, yes, I think I
 17 can find it.
 18 Q. We would like you to do that --
 19 A. Okay.
 20 Q. -- Mr. Williams.
 21 A. Okay.
 22 Q. So you can only remember one
 23 insurance company?
 24 A. Uh-huh.

1 Q. That -- is that correct?
 2 A. Shelter, yes, sir.
 3 Q. What's the current operational status
 4 of the 806 Walnut Street facility now?
 5 A. It's scrapping stuff because the FBI
 6 went to all our customers. They won't buy
 7 anything from us. We sell scrap, sell a drum
 8 here, selling pallet, whatever we sell to
 9 make a dollar to keep the lights on.
 10 Q. Is it still American Drum?
 11 A. Yes, sir.
 12 Q. It's still American Drum & Pallet?
 13 A. Yes, sir. We lost all of our
 14 customers.
 15 Q. Is there any hazardous waste that's
 16 currently being generated there?
 17 A. No, sir.
 18 Q. Are there any hazardous waste
 19 currently located on the facility?
 20 A. Not as I know, there's not.
 21 Q. Has hazardous waste been located on
 22 the facility within the last 60 days?
 23 A. Not as I know. Not as I know.
 24 Q. Could there have been and you not

1 know about it?
 2 A. Could have been and I didn't know
 3 about it, but I don't remember none being on
 4 there.
 5 Q. Are you aware of any hazardous waste
 6 being on the facility within the last 60 days
 7 in any way?
 8 A. No, sir. I'm not aware.
 9 Q. Have you talked to your employees or
 10 anyone about hazardous waste being on the
 11 facility within the last 60 days?
 12 A. No, sir, I haven't.
 13 Q. Why are the fiber board containers at
 14 the facility presently at the facility?
 15 A. At that time -- they all empty.
 16 That's what we -- them came from Newlywed
 17 Foods. They all empty, so we clean them up
 18 and we got -- we cleaned at the facility and
 19 put the fiber board up under the shed with
 20 lumber and tin and stuff. The Code
 21 Enforcement, they told us to get them and
 22 stack the wood on -- off the ground and stack
 23 the drum up in there.
 24 Q. Explain that again. The Code

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1 Enforcement did what, Mr. Williams?
 2 A. Ask me to stack those drums up neat
 3 out at the facility and stack them along with
 4 the lumber and the buckets and whatever we
 5 stacked up underneath the tins and stuff.
 6 Q. The lumber?
 7 A. Yes. We got lumber up under there,
 8 too, and tin.
 9 Q. Are they new fiber board containers?
 10 A. No.
 11 Q. They are used?
 12 A. They are used.
 13 Q. And they are clean?
 14 A. They're clean.
 15 Q. What are you going to use them for
 16 now?
 17 A. I don't know. I don't know.
 18 Q. And do they belong to American Drum?
 19 A. Yes, sir.
 20 Q. And you said earlier; who brought
 21 them to the facility?
 22 A. We picked them up from Newlywed Food.
 23 MR. HARBIN: Could you give me
 24 just a second?

1 (Pause in proceedings.)
 2 MR. PARRISH: While you're doing
 3 that, we were finding the location of
 4 Asplundh. He said if he knew the location,
 5 it might relate to him, so let me get that.
 6 Be right back.
 7 BY MR. HARBIN:
 8 Q. Got one last question, Mr. Williams.
 9 Through the -- through this deposition you
 10 said that American Drum would go out and pick
 11 up the containers.
 12 A. Uh-huh.
 13 Q. Did companies ever bring -- did
 14 you -- did American Drum always go out and
 15 pick up the containers?
 16 A. No. People bring them to me, like,
 17 drum hustlers, I tell you.
 18 Q. Okay. And that was -- I think we
 19 mentioned one, Mike and Jack?
 20 A. Yeah, and some others, too, I got to
 21 get the name.
 22 Q. You're going to get those names for
 23 us?
 24 A. Yes, sir, uh-huh.

Exhibit D

1 Q. And the concrete company that you
2 mentioned that was on Chelsea and Bellevue?

3 A. Yes, sir. I get that name for you.

4 Q. You'll get that name as well.

5 A. Yes, sir.

6 Q. Can you remember what chemicals --
7 what materials that you were dealing with in
8 that -- with that company?

9 A. Which one now?

10 Q. The concrete company.

11 A. I think -- I don't know. I think it
12 was brick cleaning because what I did, I took
13 the drum back to them. I didn't, you know --

14 Q. You didn't clean their drums?

15 A. No, sir. No, sir.

16 MR. SPURLIN: I have one
17 follow-up question. Toward the end of EPA's
18 cleanup activities out on the facility, we
19 came in and inside the warehouse there were,
20 I would say, hundreds -- a significant number
21 of the poly totes with agricultural type
22 labels on them. They looked -- they were
23 kind of in a reinforced tote.

24 THE WITNESS: Uh-huh.

1 MR. SPURLIN: So the label said
2 paraquat, it was green in color, maybe some
3 red, but they dye the material so the farmers
4 can see where they apply the material.

5 But do you remember where you
6 obtained those containers?

7 THE WITNESS: I think -- I'm not
8 sure. I think they came from Mississippi,
9 from airport and Clarksdale. I think that's
10 where they came from.

11 MR. SPURLIN: Okay.

12 THE WITNESS: Now, this
13 Asplundh, they are not on Summer. They in
14 Olive Branch, Olive Branch.

15 BY MR. HARBIN:

16 Q. Did you deal with that company?

17 A. Yeah, yes.

18 Q. And --

19 A. Have to get the address. That's
20 Asplundh.

21 Q. Okay. But you did deal with them?

22 A. I did.

23 Q. And you picked up?

24 A. Picked up a lot of drums and they

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1 brought drums to me, but the drums, they was
2 so picky about their drums.

3 Q. Explain that to me, Mr. Williams.

4 A. They have two men on the truck and
5 they check and make sure that nothing wrong.
6 When we go load them up, they do the same
7 thing.

8 Q. I'm not understanding you.

9 A. They were picked up and they made
10 sure their drums were clean. Everybody had
11 sued them before. They don't let nothing
12 leave their facility unless they are clean.

13 Q. So all their drums that you
14 received -- that American Drum received at
15 the facility, they were clean?

16 A. Clean. They don't let nothing leave.
17 They got EPA guy there.

18 MR. PARRISH: Asplundh should be
19 on Exhibit 3?

20 THE WITNESS: Asplundh, not
21 Plundh (sic) but Asplundh, they in Olive
22 Branch, not in Memphis; Olive Branch,
23 Mississippi.

24 BY MR. HARBIN:

1 Q. That should be on Exhibit 3 as well?

2 A. Right, uh-huh.

3 (An off-the-record discussion
4 was held.)

5 BY MR. HARBIN:

6 Q. I pronounced it Asplundh. You
7 pronounce it Asplundh.

8 A. Asplundh.

9 Q. Was that the same company we were
10 talking about earlier, Asplundh and Asplundh?

11 A. Uh-huh.

12 Q. And they were a customer or client of
13 American Drum?

14 A. Right, yes, sir, uh-huh.

15 Q. About how many drums would you pick
16 up or would they supply American Drum?

17 A. I guess in a year's time, we're
18 talking about 3 or 400 drums.

19 Q. Was that during the overall whole
20 operation of American Drum?

21 A. Yeah, uh-huh.

22 Q. Did they bring them to the facility
23 or did you pick them up?

24 A. Both.

Exhibit D

1 Q. Was there a written contract?
 2 A. No.
 3 Q. Did they contain any materials?
 4 A. No, sir. They very particular, they
 5 particular.
 6 Q. What drums -- what size drums?
 7 A. 30 gallon, plastic, 30-gallon
 8 plastic.

9 MS. RICHARDSON: I'm done.

10 MR. HARBIN: This is the
 11 conclusion --

12 MR. PARRISH: Whoa. I want to
 13 follow-up.

14 MR. HARBIN: Very good.

15 EXAMINATION

16 BY MR. PARRISH:

17 Q. I have questions. I'm just going to
 18 be skipping around the points of
 19 clarification. I'm not starting a new thing.

20 Did you say fiber board from Newlywed
 21 Foods?

22 A. Fiber drum, yes, sir.

23 Q. Fiber drums?

24 A. Yes, sir.

1 Q. And what is a fiber drum?
 2 A. Made out of cardboard.
 3 Q. So does it look like a 55-gallon
 4 drum?
 5 A. It is a 55-gallon drum made out of
 6 cardboard, not made out of steel or plastic,
 7 but made out of cardboard.

8 Q. And you recycle those?

9 A. No.

10 Q. So what did you do with them when you
 11 picked them up?

12 A. Well, people buy them to put concrete
 13 cleaner, they buy them for concrete cleaner.
 14 They buy them and put sawdust in them. A lot
 15 of people pack clothes in them because that
 16 fiber cardboard, you put something in them;
 17 you got a bag in them, all you got to do is
 18 pull the bag out.

19 Q. You don't store fluids in them?

20 A. Oh, no.

21 Q. And so you would pick those up?

22 A. Uh-huh.

23 Q. Would you pay for those?

24 A. No, sir.

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1 Q. So you would get those into your
 2 facility, would you sell them?
 3 A. Uh-huh, we sell them 2 or \$3 a piece,
 4 but a lot of people put dog food in them, put
 5 clothes in them, put in flour; what you call,
 6 flour.

7 Q. As far as what is on your facility on
 8 Walnut right now --

9 A. We got drum --

10 Q. Let me ask a preliminary question.

11 Since the EPA was there and took all
 12 of what they took off of the facility, from
 13 that time -- do you remember that time, when
 14 that happened?

15 A. Yes, sir.

16 Q. You said you lost all your customers.
 17 Now, since when did you lose all of your
 18 customers?

19 A. When the EPA started investigating
 20 me, they went to all my customers and told
 21 them they were investigating me and my
 22 customers told me they couldn't deal with me
 23 no more.

24 Q. Was that before EPA cleaned off the

1 facility or after?
 2 A. During the same thing.
 3 Q. And that was 2007?
 4 A. Uh-huh.
 5 Q. And so you are still running a
 6 business?
 7 A. Uh-huh.
 8 Q. I presume then you have customers of
 9 some kind?
 10 A. Yeah, uh-huh.
 11 Q. What do you -- do you sell and buy;
 12 buy and sell?
 13 A. What we do, we mostly pick up drums,
 14 crush them for steel and sell drum for
 15 grinding up with plastic, you know, like
 16 right now what all's in the warehouse is
 17 plastic and then the guy's going to pick it
 18 up and take it to Jackson and we get
 19 something off that.

20 Q. You go to facilities that have drums?
 21 A. Uh-huh.
 22 Q. And you pick up drums?
 23 A. Uh-huh.
 24 Q. The drums that you pick up from

Exhibit D

1 facilities since what happened in 2007, do
2 they have any residue in them?

3 A. No.

4 Q. Are those cleaned drums?

5 A. Clean drums.

6 Q. And you bring them back to your
7 facility?

8 A. Uh-huh.

9 Q. Crush them?

10 A. Uh-huh.

11 Q. And sell them as you have just
12 stated?

13 A. Uh-huh.

14 Q. Do you pay for them when you pick
15 them up?

16 A. No.

17 Q. What causes you to go to a place to
18 pick up the drum?

19 A. Need work.

20 Q. Now you can talk to both of us at the
21 same time. So what -- do the facilities that
22 have drums call you and ask you to come to
23 them?

24 A. Uh-huh.

1 Q. Is that how you get there?

2 A. Yes, sir, that's how I get there.

3 Q. You're not just going from door to
4 door?

5 A. No, sir, I'm not.

6 Q. So some facility will say, I've got
7 some drums, you come and I'll give them to
8 you?

9 A. Right.

10 Q. And when do you check to see if they
11 are clean?

12 A. I ask them -- I say, Make sure that
13 they've been cleaned, I can't pick up a drum
14 with anything in it. And then when my guy
15 get there before they -- see, my guy will
16 lift and put it on the truck and they make
17 sure they are clean before they put them on
18 the truck.

19 Q. Now, that's part of your business.

20 A. Uh-huh.

21 Q. So you're selling them for scrap?

22 A. Scrap mostly.

23 Q. How much do you get for them?

24 A. We may get 3, \$400 for a truckload of

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1 scrap. Also we got some plastic, we sell
2 them to people who put clothes in them and we
3 get 7, \$8 a drum.

4 Q. You pick up plastic?

5 A. Uh-huh.

6 Q. It's cleaned?

7 A. They clean.

8 Q. Same as you said for the others?

9 A. Uh-huh.

10 Q. And then you'll sell that one to
11 people who need it to store things?

12 A. To store stuff, whatever they want to
13 throw in it.

14 Q. That might just be citizens?

15 A. Dog food, clothes, whatever they
16 want.

17 Q. And then what are you doing with
18 pallets?

19 A. Okay. Pallet, we sell pallet for
20 people to put stuff on. We got a lot of
21 plastic pallet, we sell them for people to
22 grind up, this place in Jackson, we sell them
23 a lot to grind up.

24 Q. Where do you get the pallets?

1 A. Different companies.

2 Q. Do they call you?

3 A. They call me.

4 Q. They call you?

5 A. Uh-huh.

6 Q. How much do you pay for those
7 pallets?

8 A. Nothing.

9 Q. So you're just getting them off their
10 hands?

11 A. Yes.

12 Q. Bringing them back?

13 A. Bringing them back.

14 Q. Some of them you sell as containers?

15 A. Right. And some I sell for the
16 people to use to put bags or whatever they
17 going to put in them.

18 Q. All right. That's pallets. That's
19 drums. What else do you have there?

20 A. Tote tank.

21 Q. Tote tank?

22 A. Uh-huh.

23 Q. Same situation?

24 A. Yeah, uh-huh.

Exhibit D

1 Q. Is that the entirety of your business
2 right now?

3 A. That's the entirety of my business.

4 Q. And has been since 2007?

5 A. Since 2007, sure has.

6 Q. So how would any residue -- how would
7 any containers with residue get on to your
8 facility?

9 A. I don't know, unless somebody dropped
10 them off.

11 Q. Do you know of any that have been
12 dropped off at your place?

13 A. No. May have, but I don't know. I
14 haven't found none, I'll put it that like
15 that.

16 Q. None of your employees have told you
17 that they were dropped off?

18 A. No, sir. No, sir.

19 Q. You were asked -- you were asked a
20 question that had in it that you had done a
21 lot of business with crop dusters.

22 A. Uh-huh.

23 Q. Have you done any business with crop
24 dusters, other than what you have related in

1 your testimony today?

2 A. No, sir, I haven't.

3 Q. So if that's a lot, that's how much
4 you've done?

5 A. Yeah, that's all I done.

6 Q. You said about residue and CCL drums.

7 A. Uh-huh.

8 Q. If a CCL drum had residue in it, what
9 would you do?

10 A. I wouldn't take it.

11 Q. You wouldn't take it?

12 A. No.

13 Q. So when you referred to residue and
14 CCL drums, you were describing drums that you
15 did not take ownership of?

16 A. Right, uh-huh. And then we haven't
17 took any since the -- in fact, I lost all my
18 customers. I don't have CCL.

19 Q. Let's go back now, I'm talking about
20 CCL before 2007.

21 A. Yeah, uh-huh.

22 Q. If a CCL drum had residue in it --

23 A. If I knew it, I wouldn't take it.

24 Q. Did you pick up the CCL drums?

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1 A. Yes, sir, before.

2 Q. Now, just use CCL as an example, did
3 you pay CCL for drums you picked up from
4 them?

5 A. No, sir.

6 Q. So as far as all of these drums
7 you've spoken of that you picked up, at any
8 time since 2003, have you paid for drums?

9 A. Yes, sir, I pay Smucker for some,
10 Rich Foods.

11 Q. Rich Foods?

12 A. Uh-huh. Farrell Calhoun.

13 Q. Farrell Calhoun.

14 A. That be the only -- and the other
15 company.

16 Q. Asplundh?

17 A. No, we don't pay them for nothing.
18 (Indecipherable), you had them down.

19 MR. HARBIN: Say that again.

20 THE WITNESS: Kraft

21 (Indecipherable).

22 BY MR. HARBIN:

23 Q. Nabisco Kraft?

24 A. Nabisco, yeah.

1 Q. You paid them for drums?

2 A. Right.

3 Q. How much would you pay them for their
4 drums?

5 A. Two dollars a drum.

6 Q. What would be the difference in
7 whether you would pay somebody for their
8 drums or you didn't pay somebody for their
9 drums?

10 A. Well, when you didn't pay for drums,
11 they mostly big company that want to move
12 them to keep the place clean. When you pay
13 somebody for a drum, most of the guys keep
14 them, they want to get money out and they
15 want to keep the place clean, so they stack
16 up; and what they do, the guy's who working
17 there will look out for you and make sure
18 that you pay him to get the drum.

19 Q. So would you pay if they asked to be
20 paid?

21 A. Uh-huh.

22 Q. And if they --

23 A. If they didn't, I didn't pay them.

24 Q. But you paid \$2?

Exhibit D

1 A. Two dollar per drum.
 2 Q. And would you sell the drums that you
 3 picked up for the same amount, whether you
 4 paid for them or not?

5 A. No.

6 Q. What determined what you sold the
 7 drums for?

8 A. Depends on the shape of the drum.

9 Q. What shape demanded what price or
 10 what do you mean by that?

11 A. Well, if a drum not bent or anything,
 12 we could sell a drum anywhere from \$8 to \$9.
 13 Same way with tote tank. But if a drum bent,
 14 a lot of time people don't want them and we
 15 let them go for \$5; and if it too bad,
 16 crushing, it goes for scrap.

17 Q. There are three things you would do
 18 with drums that you would pick up.

19 A. Uh-huh.

20 Q. One is you would sell it for \$8 to
 21 \$9?

22 A. Uh-huh.

23 Q. You would sell it for \$5?

24 A. Uh-huh.

1 Q. Or you would crush it?

2 A. Right.

3 Q. And sell it for scrap?

4 A. Scrap.

5 Q. And the thing that determined whether
 6 you got \$8 to \$9 or \$5 or you crushed it was
 7 whether it was dented or not?

8 A. The shape of the drum, yes, sir.

9 Q. Quantity-wise, if you can relate to
 10 that, what percentage of your drums would you
 11 sell for \$8 to \$9?

12 A. Say about 80 percent of them.

13 Q. And then there's 20 percent left.
 14 From that 20 percent, how many would you
 15 crush and how many would you sell for \$5?

16 A. I would say we crushed about 10
 17 percent of them, the rest.

18 Q. 50-50 of the remaining 20 percent?

19 A. (Witness nodded head up and down.)

20 Q. Do you have any recollection of what
 21 the total revenue your company took in in
 22 2006?

23 A. I got it somewhere on paper because I
 24 file the tax. So I get it for you if you

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1 need it.

2 Q. Yes, I would need it. Do you have
 3 any way of estimating right now, do you know --

4 A. 2006, we did pretty good; I would say
 5 about 200 and some thousand.

6 Q. So that's the range --

7 A. That's the range, uh-huh.

8 Q. -- in which you were operating.

9 Last year, what were your revenues?

10 A. Nothing. We lost -- we lost all our
 11 saving. We lost everything.

12 Q. The Great Dane drums that you
 13 referred to, I want to be sure I understood,
 14 those were on the premises when you bought
 15 the premises?

16 A. Yes, sir.

17 Q. Did you handle those drums at all?

18 A. No.

19 Q. From the time you purchased the
 20 premises, what was the interaction you had
 21 with those drums at all?

22 A. I don't remember none at all. We may
 23 have moved them around, you know, but I don't
 24 remember any at all.

1 Q. Were they sitting out?

2 A. Sitting out up on the shed and on the
 3 trailer.

4 Q. And the gasoline -- let me rephrase
 5 that.

6 The rags you used to clean the drums
 7 with gasoline, how many times were those rags
 8 used?

9 A. One time.

10 Q. And what kind of rags were they?

11 A. Just a towel, a towel.

12 Q. Were they scrap or did you buy rags?

13 A. We bought rags from the rag place,

14 the rag man, Blockman (phonetic) Rag Company.

15 Q. You use them one time?

16 A. Uh-huh.

17 Q. And then put them in a barrel?

18 A. Uh-huh.

19 Q. That's what you call disposing of
 20 them?

21 A. Right.

22 Q. You put them in a barrel?

23 A. Uh-huh.

24 Q. And was this an open-end barrel?

Exhibit D

1 A. Where you pull the top and lock it
2 down.
3 Q. So you would put the rags in there.
4 A. Uh-huh.
5 Q. And lock down the barrel?
6 A. Yes, sir.
7 Q. And then when you put more rags in
8 there, did you --
9 A. Lock it off.
10 Q. Did you take the top off and put the
11 rag in there and lock it down?
12 A. Uh-huh.
13 Q. How many rags would it take to fill
14 up a barrel?
15 A. Quite a few. We buy them in 25-pound
16 box, so I would say anywhere between five to
17 six boxes to fill it up.
18 Q. Why did you dispose of them in that
19 way rather than some other way?
20 A. Well, I didn't want them all over the
21 place and I wanted them in one container, one
22 place, you know, that we know where it was,
23 what it was and disposed of.
24 Q. And how many barrels of used rags did

1 you have in 2007?
2 A. I don't know.
3 Q. How long would it take you to
4 accumulate a barrelful of rags?
5 A. I would say anywhere from three to
6 four months.
7 Q. How many rags did you use to wipe
8 down a barrel?
9 A. Two or three rags, they be -- cut up
10 in pieces, you know, like little small towel.
11 Q. So every barrel that came in there
12 and you painted the barrel, you used two to
13 three rags?
14 A. Uh-huh, to wipe it down.
15 Q. And every time you wiped a barrel
16 down, you put those rags in your disposal
17 barrel?
18 A. In the drum, yes, sir.
19 Q. You used the word discover at one
20 point, you said you did not discover them,
21 and I think you were referring to drums that
22 were left on the premises?
23 A. Yes, sir.
24 Q. Is it your testimony that those were

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1 on your premises and you did not even know
2 they were on your premises?
3 A. Well, the one that was on the
4 premises, I didn't know what was in them.
5 Q. But you knew physically those drums
6 were on that premises?
7 A. They was on the premises.
8 Q. So there weren't any drums that were
9 hidden somewhere?
10 A. Oh, no, no.
11 Q. And so what did you mean when you say
12 discovered? Did you mean discovered the
13 contents?
14 A. Yeah. What I mean, I didn't discover
15 until the Memphis City Code Enforcement and
16 Ms. Harding from the EPA came around.
17 Q. And then you discovered the content?
18 A. Right. That's when we started taking
19 action. Once we discovered, we started
20 taking actions.
21 Q. You were asked about a chemical that
22 was referred to as TEC (sic). Do you even
23 know what TEC (sic) is?
24 A. No.

1 Q. Do you know what TEC (sic) is used
2 for?
3 A. No, sir, I don't.
4 Q. And until Mr. Spurlin said what the T
5 and E and C stood for --
6 A. I didn't know.
7 MS. RICHARDSON: Larry, it's
8 TCE.
9 BY MR. PARRISH:
10 Q. All right. TCE, everything I just
11 said, TCE.
12 So when did you discover that there
13 was TCE on the premises?
14 A. Today.
15 Q. Today?
16 A. Uh-huh.
17 Q. So you don't really know whether it
18 was there or not?
19 A. No.
20 Q. If it was there, was it there before
21 you purchased the premises?
22 A. It had to be, because I didn't know.
23 Q. You were talking about when you owned
24 the drums and when you id. your own drums.

Exhibit D

1 A. Uh-huh.
 2 Q. You just said when you picked the
 3 drums up -- let me start this whole thing
 4 over again.

5 When did you pay the \$2 for drums
 6 that you paid \$2 for?

7 A. When we found out the drums was
 8 exceptionally clean, we'd use them.

9 Q. So would you go to the facility and
 10 bring them back to your facility --

11 A. Uh-huh.

12 Q. -- and inspect them?

13 A. Yes, sir.

14 Q. And if the drums were not clean, you
 15 would not pay the \$2?

16 A. I wouldn't pay. I would give them
 17 back to the people.

18 Q. You would physically take them back?

19 A. Yeah.

20 Q. Once you paid your \$2, you had
 21 inspected them --

22 A. Right.

23 Q. -- and known them to be clean?

24 A. Right, yes, sir.

1 Q. You were asked about your,
 2 quote-unquote, acceptance program.

3 A. Uh-huh.

4 Q. Did you have anything that you would
 5 call a, quote-unquote, program for
 6 acceptance?

7 A. No more than before accept them, make
 8 sure that the drum was clean, the employees.

9 Q. You know what you did before you
 10 accepted a drum and became its owner?

11 A. Uh-huh.

12 Q. Right?

13 A. Yes, sir.

14 Q. As far as that being a program, was
 15 that ever written out and approved by
 16 anybody?

17 A. No, sir, it wasn't.

18 Q. And you were asked whether your
 19 acceptance program met EPA standards. Did
 20 you even know there were EPA standards for
 21 acceptance?

22 A. No, no more than I know EPA standard
 23 was that all the drums that what you get in
 24 supposed to be cleaned, I knew that, that's

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1 the only thing I knew.

2 Q. All you knew about standards was, for
 3 you to accept a drum, it had to be clean?

4 A. Clean, yeah.

5 Q. But you didn't take a written program
 6 to EPA --

7 A. No.

8 Q. -- and ask if that is acceptable --

9 A. No.

10 Q. -- or approved?

11 A. No.

12 Q. Did any -- whether it was EPA or code
 13 enforcement or the fire department or anybody
 14 else, did anybody else approve a written plan
 15 of acceptance?

16 A. The city and the state water
 17 pollution, what is it, water permit, they the
 18 only one that came in and told what to do,
 19 how to do and told and sat there with him, we
 20 had a guy come in from Nashville. EPA -- we
 21 asked them what to do. They didn't know.

22 Q. When was that?

23 A. That was back about 2000, the guy
 24 name was Gay -- I got a card -- we going

1 to -- we asked him -- now, the city led us
 2 hand by hand, told us what to do, what not to
 3 do. When we got to the EPA, they told us
 4 they didn't know.

5 Q. This was Mr. Who?

6 A. Mr. Gay, I believe. I got a card.

7 Q. G-A-Y?

8 A. G-A-Y.

9 Q. G-A-Y?

10 A. I got a card.

11 Q. And he was from Nashville?

12 A. Uh-huh.

13 Q. And he came because you asked him to
 14 come?

15 A. We asked him to come lead us what to
 16 do.

17 Q. Now, the water people that you had
 18 referenced to, that's city, you said?

19 A. City and county.

20 Q. City of Memphis, Memphis, Shelby
 21 County?

22 A. Yeah, same.

23 Q. Health department?

24 A. Uh-huh.

Exhibit D

1 Q. Maybe?
 2 A. Uh-huh.
 3 Q. Now, you say they walked through it
 4 with you step by step?
 5 A. Step by step.
 6 Q. Did that include what you're to do
 7 before you accept?
 8 A. Right.
 9 Q. Okay. So this process of you looking
 10 at the drums and making sure they are clean
 11 before you took them in, the water pollution
 12 people knew that's what you did?
 13 A. What we did.
 14 Q. And did they tell you that is
 15 appropriate?
 16 A. Appropriate -- way to do it.
 17 Q. And then you said they walked you
 18 through step by step?
 19 A. Step by step.
 20 Q. So everything you have said today in
 21 answer to Mr. Harbin's questions about how
 22 you operated step by step, the water
 23 pollution people instructed you --
 24 A. Right.

1 Q. -- that that's how you were to do it?
 2 A. Right.
 3 Q. Did you follow their instructions?
 4 A. Yes, sir.
 5 Q. Did they ever come back to check?
 6 A. Sure did. Sure did.
 7 Q. So how often did they come back?
 8 A. About once every 90 days.
 9 Q. And they would come back to check to
 10 be sure that you were doing --
 11 A. Doing what we said we would do.
 12 Q. -- as they instructed?
 13 A. Right.
 14 Q. Now, this filtration system or
 15 process that you described --
 16 A. Uh-huh.
 17 Q. -- did the water pollution people
 18 know what you did by way of filtration?
 19 A. Yes, sir.
 20 Q. Did they inform you that the filter
 21 or filtration process you were using was
 22 acceptable?
 23 A. Yes, sir.
 24 Q. And did they tell you that the water

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1 that was filtered in that process was clean
 2 to go back into the sewer system?
 3 A. Yes, sir.
 4 Q. Was that their main problem?
 5 A. Uh-huh. If they didn't, they
 6 wouldn't okay the permit. We got an okay
 7 permit.
 8 Q. That's a sewer permit?
 9 A. Sewer permit.
 10 Q. And did the water pollution people
 11 know what kind of filters you had that were
 12 filtering out the solids?
 13 A. Yes, sir, uh-huh.
 14 Q. And did they tell you those were
 15 acceptable filters?
 16 A. Acceptable.
 17 Q. And did the water pollution people
 18 tell you what to do with the solids that were
 19 filtered out?
 20 A. Yes, sir.
 21 Q. And did they tell you to put those
 22 solids in a drum?
 23 A. Drum, sure did.
 24 Q. And when they came back to inspect,

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1 did they know that you were putting those
 2 solids in the drum?
 3 A. Yes, sir.
 4 Q. Did you have multiple drums that
 5 contained this filtered material?
 6 A. No, sir.
 7 Q. How many drums did you have?
 8 A. We get one drum about every six
 9 months, four or five months. Like I say,
 10 we're a small operation. We wasn't doing a
 11 lot.
 12 Q. And what would you do with those
 13 drums when you filled them up?
 14 A. We had them capped and set over in
 15 the corner.
 16 Q. Did the water pollution people ever
 17 inform you that you had some obligation to do
 18 something with those drums at any point,
 19 other than sit them in the corner?
 20 A. Oh, no. They told me I needed to get
 21 a -- what you call it, the disposal,
 22 whatever, like, I think at that time we
 23 talking about, what the big -- I forgot the
 24 name of the company, BEI, something like that.

Exhibit D

1 Q. I didn't understand what you did.
 2 A. They told me I need to get a
 3 reputable company to come in and test, like
 4 BFI.

5 Q. B --
 6 A. BFI.

7 Q. BFI, that's the waste disposal
 8 company?

9 A. Uh-huh.

10 Q. And you needed to get them to come in
 11 and do what?

12 A. Test the drum so they'd know what to
 13 do with it.

14 Q. Test the drum into which you were
 15 putting the solids that were filtered out of
 16 the water?

17 A. Uh-huh.

18 Q. And did they do that or --

19 A. No.

20 Q. You did not do that?

21 A. No, because they were sitting in the
 22 corner and then when the EPA came in and they
 23 moved all that themselves.

24 Q. So the EPA took those drums?

1 A. Uh-huh, they took all of them.

2 Q. And for how long before the EPA took
 3 those drums had you been told to get BFI or
 4 some company to come in and tell you what to
 5 do with those drums?

6 A. I guess about two or three year
 7 because we didn't accumulate that much.

8 Q. Okay. And did the water pollution
 9 people know that you were disposing of these
 10 rags that you had used to wipe gasoline on;
 11 did they know what you were doing with those
 12 rags?

13 A. No, they never did. The only thing
 14 they were concerned about is the sewer
 15 system. They weren't concerned about nothing
 16 else.

17 Q. As far as the decision to dispose of
 18 those rags in the way that you were disposing
 19 of them was concerned, who made that
 20 decision?

21 A. I think the guy that came down from
 22 Nashville.

23 Q. Mr. Gay?

24 A. I believe Mr. Gay. I have to get the

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1 card and ask Gray to make sure.

2 Q. Well, did somebody tell you that that
 3 was an adequate way to dispose of those rags?

4 A. Yes, sir.

5 Q. When I say somebody, I mean somebody
 6 in official --

7 A. Knew what they were doing, official
 8 position, yes, sir.

9 Q. Were you told that at some point you
 10 would have to move the rags that had been
 11 disposed of in those drums?

12 A. Yes, sir.

13 Q. And what were you told about that?

14 A. Told that I needed to get a reputable
 15 person to move them and see where they needed
 16 to go.

17 Q. A reputable person?

18 A. Like BFI.

19 Q. Like BFI?

20 A. Uh-huh.

21 Q. Did you ever ask BFI to come in and
 22 take the drums?

23 A. We did. BFI never came -- I think it
 24 may have been AllStar. They had several

1 companies that do it. We asked them, but we
 2 got -- in fact, I think we got quotes on
 3 them.

4 Q. And did they ever take any of those
 5 drums with those rags in them?

6 A. No, sir.

7 Q. And why not?

8 A. We didn't finalize the deal.

9 Q. So you had people like BFI and
 10 AllStar and maybe others come in and quote
 11 you a price?

12 A. Right.

13 Q. And before the EPA took those drums,
 14 you had not made any deal?

15 A. No deal at all.

16 Q. Do you know how many of those drums
 17 there were?

18 A. No, I don't. Not sure.

19 Q. You said something about A&L Labs?

20 A. They were testing the sewer water,
 21 A&L Lab.

22 Q. They weren't having anything to do
 23 with the rags?

24 A. Oh, no.

Exhibit D

1 Q. What's the difference, if any, in
2 recycling and reconditioning? You've used
3 both of those terms.

4 A. Okay. Recycling and recondition the
5 same thing. You recycle drum. You condition
6 pallets.

7 Q. So that would be a distinction,
8 though?

9 A. Uh-huh.

10 Q. Now, you were doing pallet work all
11 during the same time?

12 A. Same time doing drum work.

13 Q. And the pallets, how would you
14 recondition a pallet?

15 A. You bring in -- bring in 2, 300
16 pallets, a board broken there, a board broken
17 there, you just take -- pull the broken board
18 off and put a new board on it, is how you do.

19 Q. This is hammer and nail stuff?

20 A. Hammer and nail.

21 Q. And how much would you sell a pallet
22 for?

23 A. Anywhere between 4 and \$5.

24 Q. And did you ever pay anybody for

1 pallets?
2 A. Very few. A dollar to a hustler
3 bringing a pallet, a dollar, dollar and a
4 half. And a lot of people -- a lot of
5 companies will pick up pallets just to move
6 them off the premises.

7 Q. And you would recondition them as
8 you've stated?

9 A. Uh-huh.

10 Q. And then to whom would you sell them?

11 A. Oh, a lot of people. Different
12 people like chemical companies, soap
13 companies, glue company, paint company, you
14 know.

15 Q. But those pallets, there was nothing
16 chemical about the reconditioning?

17 A. No, no.

18 Q. I think you referred to order in the
19 sense of getting an order; do you recall
20 that?

21 A. Uh-huh.

22 Q. What is "getting an order"?

23 A. I mean when somebody need 50 drums,
24 they may call us and say they have 50 drums

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1 and I have to get the order together. I may
2 need 100 pallets, like the firecracker place
3 on 61 called and they want 25 pallets and I
4 got to go in and get 25 pallets and we'll
5 take them in.

6 Q. So these are customers that would
7 call you?

8 A. Uh-huh.

9 Q. And what they would give you is an
10 order for --

11 A. To be filled.

12 Q. And then what you would do is fill
13 that order?

14 A. Yes, sir.

15 Q. And sometimes you would have it on
16 the premises?

17 A. Uh-huh.

18 Q. And you would fill it?

19 A. Right.

20 Q. Sometimes you'd have go back --

21 A. Right, right, go out and get it.

22 Q. Somebody might want 100 pallets?

23 A. Uh-huh.

24 Q. And you had 50?

1 A. I had to go out and find another 50.
2 Q. You also referred to a contract and
3 get a contract. How is that different from
4 an order?

5 A. Well, a small company like me -- they
6 only deal with big company with a contract.
7 When you sign a contract, you tell a guy you
8 going to give him 500 pallet a week, well, he
9 can hold you accountable if you don't give
10 him 500. If he lying down and you can't
11 produce, he can hold your contract, but when
12 you fill orders and they tell you they need
13 50 drums or 50 pallets, you take them
14 whenever you have an order complete.

15 Q. Did you ever have any contracts?

16 A. Never had any contracts. Too small
17 for contracts.

18 Q. You answered questions at the
19 beginning that you were, quote-unquote,
20 self-employed.

21 A. Right.

22 Q. You think of yourself as
23 self-employed, do you not?

24 A. Yes, sir.

Exhibit D

1 Q. But you've never operated as a sole
2 proprietor?
3 A. No.
4 Q. You've always operated as an employee
5 of a corporation that you own?
6 A. Right, small business.
7 Q. So in your mind, that's being
8 self-employed?
9 A. Self-employed, me it is, I do more
10 work than anybody.
11 Q. But you're no more self-employed than
12 I am self-employed; I'm employed by Larry E.
13 Parrish, PC.
14 A. Uh-huh.
15 Q. Now, your educational background and
16 I'm finished. You said you had some training
17 at a community college.
18 A. Community college. That was in auto
19 mechanics. See, when I went to school back
20 in the '50s, late '40s and '50s, we went to
21 school two or three months, but when cotton
22 in the field, we didn't go. We went to pick
23 cotton. We went to school from, let's say,
24 from January to March, and then we had to

1 quit school in March and go chop cotton.
2 They layoff on 4th of July until the cotton
3 be ready to pick. Then we went to school
4 from 4th of July until October. October we
5 had to pick cotton and so everything we have
6 secondhand.
7 Q. You grew up in segregated
8 Mississippi; is that correct?
9 A. Sure did.
10 Q. And when you said you went to school,
11 you went to what kind of school?
12 A. Little old church house school.
13 Q. And how many students were there?
14 A. 10 or 15, you may have five when I
15 come along in our class when Emmett Till got
16 killed in 1955, they built us a new school in
17 '56; and when I graduated in '62 we had 25,
18 30 kids graduate in the whole county.
19 Q. How many teachers did you have?
20 A. Something like five or six.
21 Q. And did teachers teach lots of
22 different grades?
23 A. Yeah, different grades. In fact, you
24 may have one teacher teaching four or five

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1 grades and different things like that.
2 Q. It was a totally segregated school?
3 A. Yeah. We had to walk a mile to
4 school, a little church house, you know.
5 Q. I think my daddy had to walk more and
6 more miles the older he got.
7 But that was your educational
8 background?
9 A. Educational background.
10 Q. And at that time you were one of 13
11 children, were you not?
12 A. Yes, oldest boy.
13 Q. And who was in the house that raised
14 those 13 kids?
15 A. My mom.
16 Q. And you?
17 A. Uh-huh.
18 Q. You didn't have a daddy, did you?
19 A. (No verbal response.) Sorry.
20 Q. Who was the sole bread winner for
21 those 13 kids?
22 A. Me and my mom.
23 Q. And when you say you went to a
24 community college, where was that community

1 college?
2 A. Clarksdale, Mississippi.
3 Q. Clarksdale?
4 A. Yes.
5 Q. Do you have a high school diploma?
6 A. Uh-huh.
7 Q. And the community college you went
8 to, did you go to it right after high school?
9 A. Right after high school.
10 Q. Was it segregated?
11 A. Yeah.
12 Q. How long were you there?
13 A. About a year, auto mechanic, I was on
14 a plantation, I knew how to do work on
15 tractors and trucks and combines at cotton
16 picking time.
17 Q. And after you got out of school, did
18 you continue to be the only bread winner for
19 those 13 -- 12 other kids?
20 A. Yeah. In '65, moved to Memphis.
21 Q. Moved to Memphis?
22 A. Went back and got my mom and all the
23 kids, about 18 or something in one house.
24 Q. 18 of you in one house in Memphis?

Exhibit D

1	A.	Uh-huh.	1	Q.	Prostate cancer?
2	Q.	In 1965?	2	A.	Yes, sir.
3	A.	Uh-huh.	3	Q.	You're wife has cancer right now?
4	Q.	And can you read and write?	4	A.	She's diabetic and she had her
5	A.	Not the best.	5		thyroid taken out.
6	Q.	To be in the businesses you have been	6	Q.	She's a nurse, right?
7		in, you've had to have somebody nearby, like	7	A.	A nurse for 42 years.
8		a Glover Gray?	8	Q.	She's been a bread winner in your
9	A.	Right.	9		house?
10	Q.	Without a person like that --	10	A.	Uh-huh.
11	A.	I couldn't make it.	11	Q.	But now she's sick?
12	Q.	-- you can't do it?	12	A.	She's sick.
13	A.	No.	13	Q.	You have a brother that has just
14	Q.	You don't read well enough to do	14		contracted cancer and moved in with you,
15		that?	15		right?
16	A.	No, I don't.	16	A.	Yeah. My baby sister, yeah, and
17	Q.	You don't write well enough to do	17		brother, all of them, all of them sick except
18		that?	18		me. My baby sister she -- been waiting for
19	A.	Uh-huh.	19		the state, she got cancer, breast cancer; my
20	Q.	So what you're able to do, you do	20		brother got a kidney went out on him; my
21		orally?	21		other brother had double pneumonia; my other
22	A.	Oral, right.	22		brother had high blood.
23	Q.	You have cancer right now?	23	Q.	You say all of them are sick but you?
24	A.	Uh-huh.	24	A.	Uh-huh.

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1	Q.	But now you have cancer?	1	Q.	And just for clarification, do you
2	A.	Yeah.	2		know what those standards are?
3	Q.	You've been taking care of your	3	A.	No. He knows.
4		brothers and sisters all their lives, have	4	Q.	We've talked about empty drums
5		you not?	5		throughout this deposition. What constitutes
6	A.	Uh-huh.	6		an empty drum?
7	Q.	And you are a born-again Christian	7	A.	I guess nothing in it, just, you
8		man?	8		know, the way I see it.
9	A.	Right.	9	Q.	Would it have -- could it have been
10		MR. PARRISH: I have no further	10		wet with material or have material on the
11		questions.	11		wall of it or material in the bottom of it
12		MR. HARBIN: I have just a few	12		and still constitute an empty drum?
13		more questions, Mr. Williams.	13	A.	Not to your-all's spec, I wouldn't.
14		EXAMINATION	14	Q.	To your spec, would that constitute
15		BY MR. HARBIN:	15		an empty drum?
16	Q.	I want to get back to American Drum	16	A.	To my spec it would.
17		at 806 Walnut Street. Exhibit 1, just for	17	Q.	So it could have material on the side
18		clarification, Exhibit 1, I think you said,	18		wall and in the bottom of it, but it would
19		was completed by Mr. Gray?	19		still be an empty drum?
20	A.	Uh-huh.	20	A.	To my spec, it would be; you know
21	Q.	It says that drums for pickup or drop	21		that's my knowledge.
22		off are inspected for compliance with EPA	22	Q.	And your inspector was Mr. Wilkerson?
23		standards.	23	A.	Uh-huh, James Wilkerson.
24	A.	Uh-huh.	24	Q.	So you would have accepted the drum

Exhibit D

1 that could have had material on the side wall
2 and in the bottom of it as an empty drum?

3 A. I wouldn't, but I don't know what he
4 did.

5 Q. And just for clarification, we may
6 have asked this earlier, I'm not certain, but
7 A&L Labs -- we talked about A&L Labs. Did
8 A&L Labs test the filtration residue?

9 A. Uh-huh, as far as I know, yes, sir.
10 We got some quote on them, you know, what
11 they found, but I have to go through Gray to
12 get that.

13 Q. We talked about hazardous waste at
14 the facility. Do you know if any hazardous
15 waste determination called a RCRA, R-C-R-A,
16 RCRA hazardous waste determination was ever
17 done on any of the materials that came into
18 the American Drum facility?

19 A. No, sir, I don't know.

20 Q. You talked about Mr. Gay. Was
21 that -- was Mr. Gay a state of Tennessee
22 employee or --

23 A. I think so. I'm not for sure. Have
24 to find the card, but he's the one got them

1 down from Nashville.

2 Q. He would not have been an EPA
3 employee, he would have been a state
4 employee?

5 A. State, yeah.

6 Q. I'm still trying to understand about
7 the Great Dane and the Hoover trailer. The
8 material in the trailer, correct me if I'm
9 wrong, but that came from -- that was Great
10 Dane material that was on the property, you
11 say, was on the property before you-all
12 purchased the property?

13 A. Yeah. Well, Great Dane drums, put it
14 like that, Great Dane drums, had the name on
15 it, I'll put it like that.

16 Q. And it was inside a trailer?

17 A. Yes, sir.

18 Q. That was marked Hoover on the side of
19 it?

20 A. Uh-huh.

21 Q. Is that correct?

22 A. Yes, sir.

23 Q. And I understood you to tell
24 Mr. Parrish that you-all moved that around

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1 the facility a couple --

2 A. I said may have moved. I didn't know
3 for sure. I didn't know what was in them,
4 you know.

5 Q. Did you ever look in the trailer to
6 see what was in there?

7 A. Yeah, the trailer, but the top was on
8 the drum, I didn't know, you know, what was
9 in them.

10 Q. Did you ever move them out of the
11 trailer?

12 A. No, sir. I only moved mine when Mr.
13 Steve told us what to do, and how to do it,
14 we moved it then.

15 MS. RICHARDSON: The corporation
16 now at 806 Walnut Street, who is the
17 president?

18 THE WITNESS: My son quit. I
19 guess I am now. You know, they left -- my
20 daughter and him both left in '05 or '06,
21 they all left. I'm the only one there now.
22 They pursued better -- other job, I guess.

23 MR. PARRISH: President by
24 default.

1 MR. SPURLIN: Just to clarify,
2 currently, the operations you have do not
3 include the refurbishing, hence the washing
4 and painting and cleaning of the drums that
5 you were previously doing?

6 THE WITNESS: No.

7 MR. SPURLIN: And --

8 THE WITNESS: We rinse out drum
9 that come in from like Smucker Jelly, Rich
10 Foods, they come in, we wipe them out, but
11 they always be clean. We rinse them out.

12 MR. SPURLIN: So your discharge
13 to the city sewer will continue and hence the
14 requirements for the testing put upon you
15 that I think A&L is probably doing for you.

16 THE WITNESS: Yes, sir.

17 MR. SPURLIN: Thank you.

18 BY MR. HARBIN:

19 Q. You understand, Mr. Williams, there's
20 some items in this deposition, some
21 information, some further information that
22 you have indicated you would get to
23 Mr. Parrish.

24 A. Yes, sir.

Exhibit D

1 MR. PARRISH: I don't know if it
 2 would be possible for the court reporter to
 3 scan through there and give me a list of
 4 those or we just have to wait for the
 5 transcript, but as soon as we get that -- I
 6 haven't been making notes myself.

7 MR. HARBIN: And I have not
 8 either.

9 THE COURT REPORTER: Order?

10 MS. RICHARDSON: Original and
 11 one.

12 (An off-the-record discussion
 13 was held.)

14 MR. HARBIN: This is the
 15 conclusion of Johnnie Williams' deposition
 16 with the right -- EPA reserves the right to
 17 call him to testify again.

18 (The deposition concluded at
 19 1:30 p.m.)

1 COURT REPORTER'S CERTIFICATE

2
 3 STATE OF TENNESSEE:
 4 COUNTY OF SHELBY:

5
 6 I, MONNA J. MCCORMICK, RPR, CLR,
 7 CRR, Reporter and Notary Public, Shelby
 County, Tennessee, CERTIFY:

8 1. The foregoing deposition was
 9 taken before me at the time and place stated
 10 in the foregoing styled cause with the
 11 appearances as noted;

12 2. Being a Court Reporter, I
 13 then reported the deposition in Stenotype to
 14 the best of my skill and ability, and the
 15 foregoing pages contain a full, true and
 16 correct transcript of my said Stenotype notes
 17 then and there taken;

18 3. I am not in the employ of and
 19 am not related to any of the parties or their
 20 counsel, and I have no interest in the matter
 21 involved.

22 WITNESS MY SIGNATURE, this, 31st
 23 day of August, 2010.

24
 25 MONNA J. MCCORMICK, RPR, CLR, CRR
 Court Reporter
 Notary Public
 for the State of
 Tennessee at Large ***
 License No.: 161

My commission expires:
 November 2, 2013

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 Deposition of Johnnie Williams

CHANGES AND SIGNATURE			
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 Deposition of Johnnie Williams

1 I, JOHNNIE WILLIAMS, have read the foregoing
 2 Deposition and hereby affix my signature that same is
 3 True and correct, except as noted above.
 4
 5
 6
 7
 8 THE STATE OF Tennessee)
 9 COUNTY OF Shelby)
 10
 11 Before me, Lela R. Carter, on this day
 12 personally appeared JOHNNIE WILLIAMS, known to me or
 13 proved to me on the oath of _____ or
 14 through _____ (description of
 15 identity card or other document) to be the person
 16 whose name is subscribed to the foregoing instrument
 17 and acknowledged to me that he/she executed the same
 18 for the purpose and consideration therein expressed.
 19 Given under my hand and seal of office on this
 20 28th day of September, 2010.
 21
 22
 23
 24
 25 My Commission Expires: 12/12/2012

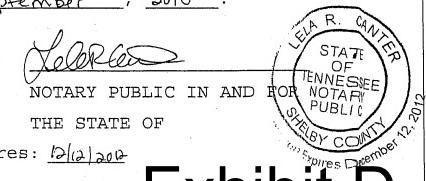


Exhibit D

Deposition Outline
Johnnie Williams
August 24, 2010

I. Personal Information

A. Name

1. Johnnie J. Williams (p.13, ln 23)

B. Address

1. 1863 South Wellington (p.14, ln 1)

C. Employment

1. Current

- a. Vice president and sales manager with **American Drum & Pallet, Inc** since 2003 (p.15, ln 4-14; p.16, ln, 8-12)
 - 1) Incorporated in Delaware (p.17, ln 11-15 & ln.20-23)
 - 2) Company recycled drums, pallets and tote tanks for sale.
Cleaned metal and plastic fifty-five gallon drums and thirty gallon drums (p.24, ln 1-22)
 - 3) Operated on a business where reconditioned drums were ordered by clients during the July- August agricultural season (p.26, ln 16 – p.27, ln 6)
 - a) Sometimes operated under contract with other drum container companies that were short on drums (p.28, ln 3-5; p.29, ln 2-6) but these container companies never supplied JW with drums to be cleaned (p.29, ln 7-9)
- b. JW's responsibilities comprises of selling reconditioned drum and pellet (p.15, ln 20 – p.16, ln 3)
- c. JW describes himself as self-employed, but there are questions if he meets the definition of self-employment (p.14, ln.17-20; p.15, ln. 4-5; p.180, ln 18 – p.181 ln 14)
- d. JW does not read or write very well and depends on Grover Gray to help him in business (p.181 ln 19 – p.185, ln 22)
 - 1) Mr. Gray is the comptroller and handles all the paperwork (p.21, ln 20-21)
- e. Corporate officers included JW's son, Michael Williams, his daughter, Angela Williams, and Glover Gray (p.21, ln 17-18)
 - 1) Michael Williams was president of both companies but left in 2005 or 2006 for Haz/Mat work with Federal Express (p. 33, ln 13-15; p.34, ln 2-21)
 - a) Clarification on presidency of corporation @ 806 Walnut Street (p.191, ln 15-24)
 - 2) Angela Williams was the secretary for both companies but left in 2005 or 2006 for work at Internal Revenue Service (p.35 ln8-12, ln22- p.36 ln1)

f. JW, Michael Williams, Angela Williams, and Glover Gray all shareholders
(p.21, ln 22 – p.22, ln 4)

2. American Drum & Pallet Company, Inc.

a. Separate company from above (p.16, ln.16-19)

1) Incorporated in Tennessee (p.16, ln 23 – p.17, ln 4; p.17,
ln 16-19)

b. JW considers two companies the same (p.17 ln.16-22)

c. JW's title and responsibilities same at both companies (p.18, ln 3-8)

d. Corporate officers included JW's son, Michael Williams and his daughter,
Angela Williams. (p.18, ln 11-19)

1) Michael Williams was president of both companies but left
in 2005 or 2006 for Haz/Mat work with Federal Express (p 33, ln 13-
15; p.34, ln 2-21)

2) Angela Williams was the secretary for both companies but left in 2005
or 2006 for work at Internal Revenue Service (p.35 ln8-12, ln 22- p.36
ln1)

3. JW was NOT employed by Drums, Incorporated,

a. Company owned by JW's nephew, George Stanford Roebuck

b. Company operated at 806 Walnut Street – the same address as
American Drum & Pallet Company, Inc (p.22, ln 16 – p.23, ln 7)

4. The only two companies JW affiliated with at 806 Walnut Street are

American Drum & Pallet Inc and American Drum & Pallet Company, Inc (p.32, ln 17-
22)

D. Education

1. High school and a year of Coahoma Junior college in auto mechanics (Clarksdale,
MS) (p.14, ln 9-13; p.181, ln 15-19)

2. Mr. Williams does not read or write very well. He depends on Glover Gray to help him
in business (p. 181 ln. 19 – p. 185, ln. 22)

E. Family

1. Wife

a) Cancer, diabetic and thyroid removal (p.186, ln 2-5)
b) Nurse and breadwinner (p.186, ln 6-10)

2. Brothers and sisters

a) Sick (p.186, ln 16-24)
b) Brother moved in with JW (p.186, ln 13-15)

F. Health

1. JW has prostate cancer (p.185, ln 23 – p.186, ln 2)

G. Religion

1. Christian (p.122 ln.1)

II. American Drum & Pallet, Inc. vs. American Drum & Pallet Company, Inc

- A. Same business with the same operation, hours, employees and location (p.29, ln 10-22; p.30 ln 3-4)
- B. Main employees for both companies (p.30, ln 13 – p.32, ln 4)
 - 1. James Wilkerson (supervisor)
 - 2. Leroy Smith (truck driver)
 - 3. Charles Wilkerson,(machine operator)
 - 4. Dorothy Williamson (machine operator & maintenance)
 - 5. Sylvester Wilkerson (manual labor)
 - 6. Sammy Flake (manual labor)
- C. When Mr. Harbin refers to American Drum & Pallet, he is speaking of both American Drum & Pallet Inc and American Drum & Pallet Company, Inc. He further clarifies that 806 Walnut Street includes reference to 0 Heiskell Place parcel to American Drum & Pallet facility (p36 ln 11-24)

III. American Drum & Pallet facility

- A. Clarification on the scope of services provided by American Drum (p.37 ln7; p.38 ln 5)
 - 1. Companies that bought steel drums (p.54, ln 13– p.55, ln 17)
 - 2. Companies that bought plastic drums (p.55, ln 18– p.56, ln 7)
 - 3. American Drum and contracts (p.180 ln 2-17)
 - 4. On "getting an order" (p.178 ln 22 – p.180, ln 1)
 - 5. Reconditioning & selling pallets (p.177, ln 13 – p.178, ln 17)
- B. Definitions:
 - 1. Drum hustler (p.38, ln 21 – p.39, ln 21; p.140 ln 13-24)
 - 2. Drums and containers (p.48, ln 21– p.50, ln 9; p.51, ln 17– p.53, ln 5)
 - 3. Distinction between recycling and reconditioning (p.177 ln 1-9)
- C. Discussion on cleaning process of drums (p.38, ln 8-20; p.39, ln 22 – p.40, ln 1-2; p.41, ln 17-24; p.42, ln 19 – p.44 ln 6)
 - 1. Quantity of drums/ tote tanks cleaned (p.42, ln 14-18; p.50, ln 23 – p.51, ln 9)
 - 2. Drying process of drums (p.44, ln 10-16; p.46, ln 3 – p.47 ln 23)
- D. Drum acceptance/inspection program (p.40, ln 3-24; p.166, ln 1 – p.167, ln 21; p.66, ln 16 – p.69, ln 20; p.75, ln 3 – p.77, ln 3; p.78, ln11 – p.79, ln 7)
- E. Receptor tank (p.44, ln 23 – p.45, ln 3)
- F. Painting process of drums (p.48, ln 2-10)
 - 1. Disposal of gas rags (p.56, ln 15 – p.57, ln 11; p.97, ln 9-13; p.160, ln 6 – p.162, ln 18; p.174, ln 8 – p.176, ln 24)
- G. Grinding and crushing of drums and containers (p.53, ln 11– p.54, ln 12)
- H. Filtration system (p.57, ln 17 – p.61, ln 16)
 - 1. Disposal of filtration screen residue/waste (p.62, ln 3-7; p.63, ln 5-22; p. 74, ln 3-13; p.96, ln 6-20; p.97, ln 1-8; p.172, ln 4-15)
 - 2. Testing of filtration screen residue (p.63, ln 23 – p.65, ln 3)
 - a) A & L Labs tested filtration residue (p.189 ln 5-12)

I. Chemicals:

1. Used at facility (p.79, ln 15 – p.82, ln 1; p.83, ln 9 – p.84, ln 9)
2. Used in facility prior American Drum ownership (p.87, ln 11 – p.89, ln 14)
3. Management (p.80, ln 6-20)
4. Storage (p.80, ln 21-24)
5. Trichloroethylene (TCE) (p.84, ln 10-23; p.85 ln 20 – p.87, ln 10; p.163, ln 21 – p.164, ln 21)
6. Paint, purchase and usage of (p.84, ln 24 – p.85, ln 12 & p.85, ln 1 4-19)

IV. Exhibit 1

- A. Document of response to the Tennessee Department of Environment & Conservation information request by American Drum & Pallet (p.71 ln 6-11; ln 22-23)
- B. Glover Gray submitted Exhibit 1 document (p.73, ln 6-10)
- C. Document states pickup or drop-off drums are inspected for compliance with EPA standards (p.74, ln 15 – p.75 ln 2)
 1. Establishing time of drum ownership (p.77, ln 4 – p.78, ln 12)
- D. Clarification on Exhibit 1 and definition of empty drum (p.187 ln 17 – p.189, ln 4)

V. Exhibit 2

- A. Information request (04.05.07) from Tennessee Department of Environment & Conservation (p.73 ln 11-16)

VI. Exhibit 3

- A. JW voluntarily provided Mr. Harbin and Ms. Richardson a letter dated August 17, 2010 (p.102, ln 18 – p.103, ln 12; p.104, ln 6-7)
- B. JW identifies document (p.104, ln 9-13)
- C. Customers that supplied American Drum with drums (p.102, ln 9 – p.103, ln 24)
 1. Rich Foods (p.104, ln 19 – p.106, ln 12)
 2. Smucker's Jelly (p.106, ln 13-19)
 3. CCL (p.106, ln 11-13; p.113, ln 12 – p.114, ln 8)
 4. Flying Tiger (p. 106, ln 13-19; p.119, ln 12 – p.121, ln 4; p.126, ln 2-11)
 5. Newlywed Foods (p.108, ln 4-23)
 6. Pepsi Cola Bottling (p.108, ln 24 – p.109, ln 9)
 7. Leonard's Recycling (p.109, ln 21 – p.110, ln 8)
 8. Precision Technology (p.110, ln 22 – p.111, ln 11)
 9. Hanco Manufacturing (p.111, ln 12 – p.112, ln 3)
 10. Jack Flint & Son (p.112, ln 4-10)
 11. Jackson Oil Company (p.112, ln 11-17)
 12. Kenny & Associates (p.112, ln 18 – p.113, ln 4)
 13. Chemical Specialty (p.113, ln 5-10; p.129, ln 17-23)
 14. Farris Calhoun Paints (p.114, ln 9-20)

15. Tri-State Agricultural (p.115, ln 15 – p.116 ln 2)
 16. Sweeney Airport & Sweeney Flying (p.116, ln 3 – 119 ln 7)
 17. Parker Hannisan (p.121, ln 6-22)
 18. Lincoln, Inc (p.121, ln 23 – p.122, ln 6)
 19. Yellow Freight (p.122 ln 7 – p.123, ln 6)
 20. Phoenix Zinc, Inc. (p.123, ln 7-22)
 21. Gromoar Company (p.123, ln 23 – p.124 ln 11)
 22. Piper Impack (p.124, ln 12 – p.125, ln 23)
 23. Kraft Foods Nabisco (p.129, ln 24 – p.131, ln 6)
 24. Hershey Chocolate, USA (p.131, ln 7 – p.132, ln 7)
 25. Dee's Oil Company (p.132, ln 11 – p.133, ln 6)
 26. Asplundh (p.142, ln 13 – p.145, ln 8)
- D. Discussion on Monsanto, Dupont, Asplundh, American Fireworks (p.126, ln 13 – p.129 ln 7; p.132, ln 9)

VII. Exhibit 4

- A. Introduction of a photograph of Pepsi cola drums (p. 109, ln 10-19)

VIII. Current Case

- A. EPA inspection/cleanup (p.95, ln 14-23; p.141, ln 16 – p.142, ln10)
 1. Great Dane drums (p.97, ln 20 – p.100, ln 20)
 - a) Already on premise at the time of facility purchase (p.159, ln 12 – p.160 ln 3)
 - b) Clarification on placement of Great Dane drums (p.190 ln 13 – p. 191 ln 14)
 2. EPA and drum removal (p.173, ln 21 – p.174, ln 7)
- B. Methyl parathion and Flying Tiger (p.89, ln 11 – p.95, ln13)
- C. Pioneer Cabinet Company (p.100, ln 21 – p.101, ln 15)
- D. List of companies that bought drums from American drum (p.133, ln 8 – p.135 ln 19)
- E. American Drum and insurance coverage (p.135, ln 20 – p137 ln 2)
- F. Current operational status on American Drum (p.137, ln 3-14; p.148, ln 11 – p. 153 ln 5)
 1. Clarification on operations (p.192, ln 1-16)
- G. American Drum and hazardous waste (p.137, ln 15 – p.138, ln 12)
 1. RCRA hazardous waste determination (p.189, ln 13-19)
- H. Fiber board/drum containers:
 1. at facility (p.137, ln 13 – p.139, ln 22)
 2. description of (p.145, ln 20 – 147, ln 6)
- I. American Drum, EPA, and customers (p.147, ln 16 – p.148, ln 10)
- J. JW's testimony on placement of containers with residue (p.153, ln 6-18)
- K. JW's testimony on doing business with crop dusters (p.153, ln 19 – p.154, ln 5)
- L. JW's testimony on residue and CCL drums (p.154, ln 6 – p.155, ln 5)
- M. JW's testimony on paying for drums:
 1. American Drum paid two dollars a drum to Smucker, Rich Foods, Farrell

Calhoun, and Nabisco Kraft (p.155, ln 6 – p.156, ln 5)

2. Difference in paying or not paying for drums (p.156, ln 6 – p.157, ln 1)
3. On selling drums (p.157, ln 2 – 158, ln 19)
4. Clarification on paying for drums (p.164, ln 5 – p.165 ln 24)

N. American Drum's total revenue for FY 2006 was in the range of \$200,000 but last year, had zero revenues (p.158 ln 20 – p.159, ln 11)

O. Discussion on drums left on premises with unknown contents (p.162, ln 19 – p. 163, ln 13)

P. City of Memphis water pollution and American Drum (p.168, ln 17 – p.173, ln 17)

1. In 2000, American Drum contacted a Mr. Gay in Nashville for assistance (p.167, ln 23 – p.168, ln 16)
 - a) Clarification if Mr. Gay was State of TN employee or EPA (p.189 ln 20 – p.190 ln 5)